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SHORT PARLIAMENTS



SHORT PARLIAMENTS

A HISTORY OF

368-53

THE NATIONAL DEMAND FOR
FREQUENT GENERAL ELECTIONS

BY

ALEXANDER PAUL

"For redress of all grievances and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently."—*Declaration of Rights.*

LONDON

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1883

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NOTE.—The writer of this volume has not deemed it necessary to give at every step of his brief narrative a reference to the sources from which his materials have been derived. It will be obvious to most readers that, where other authorities are not indicated, these have been the well-known Parliamentary Histories, Chandler's Debates, Grey's Debates, Somers' State Tracts, and the valuable collection of political papers preserved to us in the King's Pamphlets at the British Museum.

SHORT PARLIAMENTS.



CHAPTER I.

INTRODUCTORY.

WHY should our Parliaments be septennial?

The purpose of this book is not to answer this question, but to emphasize it, and to engage the reader's interest in it. This purpose will, it is hoped, be attained by the presentation of interesting historical details not hitherto found in any one work.

Our ancestors demanded frequent Parliaments as a right. The House of Lords declared for them. Whigs gave us them ; and when Whigs

took them away again, Tories struggled for their continuance. Names known to us now as those of great ministers were associated with the demand for short Parliaments, until the bearers of those names became ministers. Then the zeal of the reformer slackened, and was lost in the reluctance of the statesman. By living examples was established the truth of the popular contention, that ministers and members of Parliament could only be surely kept in the right path by being called upon frequently to "recur to the sense of the people." In the reform agitations prior to 1832 the demand for short Parliaments was as loud as that for suffrage extension; but Lord John Russell left the repeal of the Septennial Act an open question when he introduced his Reform Bill. Neither the Reform Act itself, nor the further power of controlling Parliament by the development of such organs of public opinion as public meetings and the press, sufficed to quell the agitation for short

Parliaments. In the People's Charter the demand for short Parliaments was one of "the famous six points." Since then, however, further concessions in regard to the franchise, and the establishment of the ballot—a reform at one time always subordinated to short Parliaments—have apparently almost wiped out the remembrance of the people's old grievance,—the Septennial Act. The constitution provides an almost absolute security against any intermission of Parliamentary sessions. Not only the sinews of war, but the means of carrying on the ordinary functions of government, are obtainable only on condition of an annual meeting of the people's representatives. The remedy of grievances may come slowly, but it surely comes. Besides, long Parliaments have recently been the exception rather than the rule. The sense of inconvenience from the Septennial Act has therefore slumbered. Now and again it occurs to some one that, in days when events move so rapidly, and new

situations arise that were not contemplated when the existing Parliament was elected, there is reason for more frequent appeals to the people ; and notices are given such as that by Mr. Holms in the last Parliament, and by Mr. Labouchere in the present, of some Parliamentary action in favour of the repeal of the Septennial Act. To the independent members of the party out, the idea generally commends itself. The "ins" are not enthusiastic on the subject. The ex-officials in opposition wish to take the place of the Government, and are, especially of late years, more concerned with the business of turning Government out than of limiting in advance their own reign when they return to power. How far this may be prejudicial to the public welfare is an inquiry which will be more conveniently left for the latter pages of this volume. In the mean time, let the reader judge from the past history of the demand for short Parliaments

whether it was not based on national right, and whether past objections to the concession of this right have been strengthened or dissipated by the lapse of time.

CHAPTER II.

THE ANCIENT LAW AND CLAIM.

THE right of the people to short Parliaments was asserted and acknowledged in the earliest times to which it is fair to appeal for constitutional precedent. It is not the case that the claim then made is fairly satisfied by the present-day practice of yearly sessions.

The right was asserted and confirmed by statute in the time of Edward III., and no one doubts that for some time before that period the nature of Parliaments had been essentially the same as now.* In the preceding reign,

* "In the time of Edward I. the English Constitution

when a question of the king's prerogative had arisen, the regulations made by the Lords Ordainers had been repealed, and the constitutional mode of legislation declared in this noteworthy manner: "From thenceforward in no time no manner of ordinances or provisions made by the subjects of our lord the King or his heirs, by any power or commission whatever over or upon the power royal of our lord the King or his heirs or against the state of the crown, shall be of any value or force, but all things that shall be established for the estate of the King and his heirs, and for the state of the realm and people, may be treated, accorded, and established in Parliament by the King with and by the assent definitely put on the same essential form which it has kept ever since. The germs of King, Lords, and Commons we had brought with us from our older home some eight hundred years before. From King Edward's days onwards we had Kings, Lords, and Commons themselves in nearly the same outward shape, with nearly the same strictly legal powers, which they still keep."—Freeman's "Growth of the English Constitution."

of the prelates, earls, barons, and commonalty of the realm, *as hath been accustomed.*"

It was in a Parliament with functions so acknowledged and defined that, in the fourth year of Edward the Third's reign, "it was accorded" (statutes being then the king's accordance with petitions presented to him) "that a Parliament should be holden every year one, and more often if need be." It was, however, always acknowledged to be the king's prerogative both to summon and dissolve the Parliament; and King Edward III., though he certainly did call Parliaments frequently, and often convoked the estates of the realm two or three times in one year, did at times suffer more than a year to elapse without calling a Parliament. Such remissness on the part of the sovereign was too readily forgiven. The people began to find the expense, then devolving upon them, of maintaining their members in Parliament somewhat burdensome. The knight of the shire, too,

would occasionally grumble at leaving his sports to attend the king in parliament. Yet, in the thirty-sixth year of Edward's reign, that monarch was reminded of the constitution he had infringed, and it was enacted "that, for maintenance of the articles of that Parliament, and statutes, and redress of diverse mischiefs and grievances which daily happened, a Parliament should be holden every year, as at another time has been ordained by another statute." Again, in the last year of the reign, previous statutes were confirmed :—

"Item prie la commune, que pleise establir par estatute en cest present Parlement que chescun an soit tenuz un Parlement de faire corrections en Roialme des errors et fauxities si uuls y sont trovez. 4

"Respons :—En droit du Parlement chescun an il y a eut estatutz et ordinances faits les queux soient duement gardes et tenus."

When Richard II. went to Eltham to mark

his displeasure at the determination of the Commons to impeach his Lord Chancellor, Sir Michael de la Pole, Earl of Suffolk, there arose an occasion for teaching the monarch his true position in regard to his Parliament. Richard sent them a message to proceed to the business for which they were summoned. He would not for them or at their instance, said he, remove the meanest scullion in his kitchen. The Commons, on their part, had refused point blank to do the veriest trifle till the King should show himself and remove his Lord Chancellor. In the course of this pretty quarrel a remonstrance was made to the King by two lords and a bishop, deputed on behalf of Lords and Commons to "humbly salute him and deliver the sense of both Houses to him." A part of that communication of the sense of the House concerns the subject of this chapter. "We have it settled and confirmed," said this address, "in our ancient constitution, from a laudable and ap-

proved custom which none can gainsay, that the King ought to assemble the lords, nobles, and commons of the kingdom once a year unto his Parliament, as the highest court of the realm in which all equity ought to shine bright without any spot clear as the sun." The Parliament conquered, but by this time there was already, some knowledge of an evil practice, to the rise of which we may not unreasonably attribute an important share in the gradual decrease of the power of Parliament and the proportionate exaltation of the kingly prerogative; while to its continuance we may certainly ascribe the failure of modern attempts to recover short Parliaments. The evil custom was that of packing Parliaments by corrupt practices. Professor Stubbs ("Constitutional History," chap. xx.) points out that a petition to Edward III. that the knights might be chosen by common election of the better folk of the shire, and not merely nominated by the sheriff without due election,

seems to have been considered as a warning to the Crown not to tamper with the elections. Richard's council at Nottingham, wishing some time after the incident already mentioned to upset a commission appointed to regulate the affairs of the kingdom, ordered the sheriffs to suffer none to be returned to the next Parliament but the nominees of the King and his Council. An emphatic answer was given to this request. The sheriffs said "the people would be very hardly deprived of their antient privilege of chusing their own members of Parliament; and that, if there was a true freedom observed in chusing, it would be almost impossible to impose any person against the people's liking, especially since they would easily guess at the design and stand the more resolutely upon their right." The King's attempts to issue writs ordering the sheriffs to return those persons "most indifferent to the disputes between him and his lords," were about this time defeated.

But in one of the articles drawn up against him at his deposition, we find him accused of causing persons to be made sheriffs, not in the way provided by law, but "according to the capricious of his pleasure, sometimes his favourites or creatures, and sometimes such as he knew would not oppose his humour, for his own and others' private advantage, to the great grievance of his people and against the laws of his kingdom." Another of these articles is: "Although by the statute and custom of his realm in the calling together of every Parliament his people in the several counties of the kingdom ought to be free in choosing and deputing two knights to be present in such Parliament for each respective county, and to declare their grievances, and to prosecute such remedies thereupon as to them shall seem expedient, yet the aforesaid King, that in his Parliaments he might be able more freely to accomplish the effects of his headstrong will, did very often direct his com-

mands to his sheriffs that they should cause to come to his Parliaments, as knights of the shire, certain persons by the said King named, which knights, being his favourites, he might lead, as often he had done, sometimes by various menaces and terrors, and sometimes by gifts, to consent to those things as were prejudicial to the kingdom and exceeding burdensome to the people." A similar charge of tampering with the elections through the sheriffs was made against Henry IV. in the challenge of the Earl of Northumberland, on the eve of the battle of Shrewsbury. The justice of this accusation is practically admitted in a statute afterwards exacted from this King, that the electors all present in the county courts (where elections then took place) should proceed to elections "freely and indifferently, notwithstanding any request or commandment to the contrary." The culpability of constituencies in saving the wages of members of Parliament at the cost

of their annual Parliaments, and the sovereign's corrupt control over such elections as were held, gradually led to the exaltation of the prerogative, and slowly but surely to sharp punishment for the neglect of the duties of citizenship. It may be here added, that in Henry VI.'s time interference with elections had become so easy that the Parliament, by a statute which Freeman describes as the most reactionary measure which any Parliament ever passed, did not scruple to limit the hitherto open franchise to forty-shilling freeholders. It was many years, however, before the practice of frequently calling Parliaments was given up. Edward III. reigned fifty years, and held almost as many Parliaments ; though in some years he held none, in others he held two or three. Intervals of nearly two years are sometimes met with in the next two or three reigns, but intervals of three years are rare indeed before

VI. And the Parliaments

which met annually were really Parliaments. Separate writs were issued, and prorogation, in the sense now attached to the term, was unknown. One Parliament was prorogued, in the sense of being postponed, by reason of the plague. A prorogation which was a mere adjournment for the Easter holidays took place in Richard II.'s reign. Edward IV., who held only six Parliaments, was the first to make notable use of the proroguing power, and when by prorogations a Parliament called by him in 1472 was made to last two years and a half, this was considered a Parliament of very long duration. From this Parliament Edward IV. succeeded in getting large subsidies—a good reason with a needy sovereign for its prolongation. The moment the royal assent was given to bills, the Parliament used to be by that fact dissolved. That fiction was given up for the public convenience, and the expedient of prorogation was adopted by kings for their own.

To prove the second proposition at the head of this chapter—that the yearly sessions assured to us in modern days do not satisfy the claim which our ancestors made for short Parliaments, it must be made clear that the ancient custom and the claim depending upon it did not arise merely out of the judicial necessities of the time. Parliament was then, as Hallam points out, “the great remedial court for relief of private as well as public grievances.” The assumption seems natural that this was the cause of the ordinance in Edward II.’s time, that the King should hold a Parliament once, or, if necessary, twice every year. One is apt to think this view confirmed by the discovery that among the petitions of the Commons to Richard II. on his first Parliament is one that he should hold a Parliament in a convenient place once a year, “to redress delays in suits, and to end such causes wherein the judges were of different opinions.” That this, however, was not the only object in view

in the holding of annual Parliaments is evident from the terms of the ordinance of Edward II., "that as, *not only in matters of law*, but in *grievances against the king's ministers*, redress could not be had except by Parliaments, they should be held once a year, or twice if need be, and that in a suitable place." *

The wording of one of the statutes of Edward III. has already been given; as for the apparent admission in Richard II.'s time, that Parliament was only wanted annually for "redress of delays in suits," it need only be contrasted with the terms of the remonstrance to that King when he stayed at Eltham. There, indeed, as already shown, it was laid down that the King ought to convene his Lords and Commons to his court of Parliament, as to the highest court of the whole realm in which equity ought to shine bright without any spot clear as the sun; but much more was maintained than

* Petyt.

this. In this highest court of the realm all public grievances or errors were to be redressed ; the state and good government of the kingdom were "to be treated of with the most prudent counsel ;" the means of "conveniently and honourably discovering and repulsing the foes of the King and nation at home and their enemies abroad, had to be considered ; and, "with a wholesome deliberation," the Parliament was "to foresee and order how the necessary burdens of the King and kingdom might with most ease, the public wants considered, be supplied." Then follows this noteworthy declaration : "They conceive, also, that since they are to support all public charges incumbent, they should have the supervisal how, and by whom, their goods and fortunes are to be expended." It was when Richard, revolting against this remonstrance, threatened to ask aid from the King of France rather than truckle to his own subjects, that Parliament plainly answered him

that the people had it in their power, by their ancient constitution, to depose from the throne those monarchs who alienated themselves from their people.

Not only was it the constitutional theory that the Parliament should at its annual meetings exercise such powers as the remonstrance to Richard II. assumes, but in practice these powers were exercised, and the Parliament was called to advise with the King as circumstances changed. Advice on peace and war and on all great matters of state, now taken indirectly from a ministry supposed to be representative of a Parliament held in turn to be representative of the people, was in these days taken directly from the Parliament. Edward I., says Hume, issued writs to the sheriffs to send to Parliament two deputies from each borough within their county, provided with sufficient powers to consent in their name to what he and his counsel should require of them, "as what

concerns all should be approved by all." The necessity for this approval and consent was staunchly maintained in after days. Edward III. was told with great bluntness by some of his Parliament men that they would not be compelled by any of his statutes or ordinances made without their consent. As an example of the functions exercised by the Parliament in those days, it may be noted that in 1332 the Parliament was convened "about the affairs of Ireland, and the King's going over there in person to quell the rebels who had done great mischiefs in that country. The Parliament adjourned to Thursday following to consider of this affair. They were alarmed with some sudden news out of the north which made them fear an invasion from the Scots, whereupon the Lords and Commons did each, by their several petitions, advise and request the King not to go into Ireland, but to send a sufficient supply of men and money, whilst himself marched a strong

—

army towards the north in order to watch the motions of the Scots."

The assent of the people was always understood to be pledged in Parliament. In the seventeenth year of Edward II.'s reign, it was declared that things concerning the state of the King and his heirs, the estate of the realm, and the people were done by the King and "by the assent of the prelates, earls, and barons, and the commonalty of the realm, according to custom."* That this assent was not originally held to be obtained by the concurrence of the same Parliament to divers affairs occurring at divers times, is obvious from the issue of fresh writs and the recurrence of elections. There were, of course, serious obstacles to the continuance of the same Parliaments for any length of time in these days; but if further evidence be demanded to show that the constitutional necessity for recurrence to the sense

* Petyt.

of the constituency was implied in the frequency of new Parliaments, it is surely obtainable in what occurred in the Parliament of 1339. The ostensible reasons for calling the Parliament were to provide for the better keeping of the peace, for the defence of the marches of Scotland, and for guarding the sea. But the King's mouthpieces revealed a different reason. The King was in France. "He and others with him were entered into obligations for £300,000 sterling, and more, towards the charge of his auxiliaries, and he could not handsomely march from thence without giving his creditors satisfaction." He demanded a large sum. The nobility gave handsomely, but "the Commons, though they declared themselves very forward and willing to assist the King, yet prayed the regent that he would summon another Parliament in a convenient space, for they durst not grant any tax till they had taken the sense of their constituents about it."

SHORT PARLIAMENTS.

CHAPTER III.

THE CLAIM NEGLECTED AND REVIVED. THE
FIRST TRIENNIAL ACT.

WHEN the statutes respecting the yearly assembling of the national council were allowed to fall into abeyance, two evils were possible—long intermission of Parliaments, and long duration of Parliaments. Both were experienced, but it was the weight of the first that led to the earliest revival of the claim for short Parliaments.

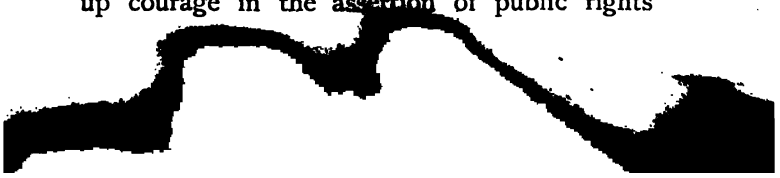
The reasons why the ancient custom concerning annual Parliaments, and the law derived from that custom, came to be neglected and forgotten by our ancestors have already been suggested. As the popular control over Parlia-

ments relaxed, and the King's control increased, strange constitutional doctrines arose, the propagation of which in the times examined in the previous chapter, would probably have sufficed to depose the princes who countenanced them. From the time of Henry VI., when that disfranchising Act limiting the right of election to the forty-shilling freeholders was passed, the power of the kings, owing to that and other changes, became so altered that Mr. Green, in his "Short History," characterizes the period from Edward IV. to Elizabeth by the appellation of the New Monarchy. He calls it the New Monarchy because, he says, "the old English kingship, limited by the forces of feudalism or by the progress of constitutional freedom, faded suddenly away, and in its place arose, all-absorbing and unrestrained, the despotism of the New Monarchy." * By Elizabeth's time the character of the Par-


* See Appendix A.

liament had been wondrously altered, and we find King James in his long speeches openly maintaining that Parliament is "nothing else but the King's great council, which the King doth assemble either upon occasion of interpreting or of abrogating old laws or of making new, according as ill manners was deserving, or for the public punishment of notorious evil-doers, or the praise and reward of the virtuous and well deservers." King James would have undoubtedly commended the *clôture*, for Parliament, according to him, was "no place for particular men to utter their private conceits, nor for satisfaction of their curiosities, and least of all to make show of their eloquence by *tyning* (losing) the time with long studied and eloquent orations." In spite of—in great measure, perhaps, because of—James and his theory of divine right, his declarations that kings were exempt from any censure or correction upon earth, and his sedulous propagation of the

principle that he alone had the power to call, adjourn, or dissolve Parliaments, old rights began to be asserted. Complaints were now made about the intermission of Parliaments; the redress of grievances before supply was demanded; and Sir Edward Coke dared to recall the fact that in Edward III.'s time, a Parliament "was holden every year that the people might complain of grievances." The Commons vindicated their privileges by a protestation which James, in blind fury, himself tore out of the journals. The imprisonment by Charles I. of Sir J. Eliot and Sir D. Digges, for expressions which had displeased him in their conduct of charges against Buckingham, roused the House to a resolution not to do anything more until they were righted in their privileges. Some explanation of the reason why sturdy men such as Eliot, Hampden, Pym, and others, were not sooner found to summon up courage in the assertion of public rights



may be discovered in the fear that good men had of losing Parliaments altogether by precipitate protests. King James had boasted that he had broken the necks of three Parliaments. "I beseech you, gentlemen," said Sir D. Carleton, in 1626, "move not his Majesty with trenching upon his prerogatives, lest you bring him out of love with Parliaments. You have heard his Majesty's often messages to you to put you forward in a course that will be most convenient. In those messages he told you that if there were not correspondency between him and you, he should be enforced to use new counsels. Now, I pray you consider what these new counsels are and may be. I fear to declare those that I conceive. In all Christian kingdoms you know that Parliaments were in use antiently, by which their kingdoms were governed in a most flourishing manner, until the monarchs began to know their own strength; and, seeing the turbulent spirits of



their Parliaments, at length they by little and little began to stand upon their prerogatives, and at last overthrew the Parliaments throughout Christendom except here only with us."

By 1640 the people's bitter experience of government without Parliament had revived the sense of the value of the ancient custom. Pym, discoursing for two hours on the grievances of the nation, wound up his speech with a declaration that the foundation of them all was the intermission of Parliaments. "By two statutes," said he, "neither repealed nor expired, Parliament ought to be held once in a year." His view was eagerly supported by the House. One of the proposed subjects of a conference with the Peers was "that which relates to all, and is a great cause of all our former grievances—the not holding of Parliaments every year according to the laws and statutes of this realm." Parliament was dissolved, but the Peers, petitioning the King for another Parliament, called attention

to the "great grief" of his subjects at the intermission of Parliaments. The citizens of London likewise petitioned the King. They complained of the seldom calling and the sudden dissolution of Parliaments. The Scotch insisted upon triennial Parliaments, and obtained an Act declaring that "once at least in every three years a full and free Parliament shall be holden, and oftener as his Majesty shall be pleased to call them."

Charles was forced by the public clamour to meet a Parliament—most memorable, perhaps, of all our Parliaments—in 1640. There was then no resisting the determination to discuss and redress the public grievances, and hand in hand with the bill for supply marched a measure for securing the meeting of Parliaments. At first, this Parliamentary Reform Bill seems to have been a measure for the yearly holding of Parliaments; but it came before the King as a bill for preventing inconvenience happening by the

long intermission of Parliaments. A speech of Lord Digby's on the bill is extant. "Unless," said he, "for the frequent convening of Parliaments there be some such course settled as may not be eluded, neither the people can be prosperous and secure, nor the King himself solidly happy. I take this to be the *unum necessarium*. Let us procure this, and all our other desires will effect themselves. . . . The reflection backwards on the distractions of former times upon intermission of Parliaments, and the consideration forward of the mischiefs likely still to grow from the same cause, if not removed, doubtlessly gave first life and being to those two dormant statutes of Edward III. for the yearly holding of a Parliament ; and shall not the fresh and bleeding experience in the present age of miseries from the same spring, not to be paralleled in any other, obtain a wakening, a resurrection for them? It is that opportunity of being ill that we must take away, if ever we

mean to be happy, which can never be done but by the frequency of Parliaments." One of the arguments Lord Digby used was that no state can be wisely confident of any public ministers continuing good longer than the rod is over him, and this he illustrated by reference to the corruption of Noy and Wentworth, the first of whom he hoped God had forgiven in the other world, while the latter "must not hope to be pardoned in this till he were despatched to the other." The conclusion of his argument was, that until the nation should be certain of triennial Parliaments, *at least* there were cold hopes of security against a recurrence of the national grievance.

The Triennial Bill, as may be guessed from this speech of Digby's, was generally demanded. Those who afterwards were known as Cavaliers joined with the party presently to be developed under the name of Roundheads in pressing it on the King. Its main provision was that every

third year a Parliament should be called. The writs, if not issued in proper form, might be legally ordered by the Peers; and if all the parties bound by the statute to issue the writs in default of the Lord Chancellor failed to do so, the people themselves might proceed to election without writs. In the preamble, the ancient right to frequent Parliaments is distinctly asserted, and it is actually enacted that the laws shall be observed: "Whereas, by the laws and statutes of this realm, a Parliament ought to be holden at least once every year for the redress of grievances; but the appointment of the time and place for the holding thereof hath always belonged, as it ought, to his Majesty and his royal progenitors: and whereas it is by experience found that the not holding of Parliaments accordingly hath produced sundry and great mischiefs and inconveniences to the King's Majesty, the Church, and Commonwealth: for the prevention of like mischiefs and incon-

veniences in time to come, be it enacted—That the said laws and statutes shall be henceforth duly observed.” But how, consistently with the above recited admission of the prerogative, could the Parliament secure that the law would be observed in the future any more than in the past? The remainder of the statute seems to suggest that it had been resolved to give the King ample grace. It may have been argued that a king might in good faith resolve that there was no necessity to call a Parliament one year, or even the next year; or that even if his motives were doubted, patience might be exercised and forgiveness extended for two years to the monarch of the realm before his prerogative should be invaded on the ground of its not being exercised according to law. But if the month of September in the third year were fairly reached without a Parliament being convened, the nation must look to the preservation of its liberties. And so within two months a

Parliament should be assembled by hook or crook. The statute, therefore, made elaborate provision for the issue of writs without the initiative of the Crown. Then, in case a Parliament so convened should be indignantly dissolved by the sovereign, it was made unlawful to prorogue or dissolve any Parliament within fifty days after the time appointed for their meeting. The King did not like this interference with his prerogative of calling or dissolving Parliaments, even although it was only to be operative when he himself failed to exercise that prerogative within two years of the time ancient law required. He professed to like frequent Parliaments, but, said he, "to give power to sheriffs, constables, and I know not whom, to do my office, that I cannot yield unto." He "ingeniously confessed that frequent Parliaments were the best means to preserve the right understandings between him and his people which he so earnestly desired." The King had

to pass the bill, however, and he did it with a declaration that "never bill passed of more favour to the subjects than this."

In the public joy with which this Act was hailed, and in the manifest concern of the Parliament lest by any trick of the King's counsellors an act even so carefully worded might be evaded, there is abundant evidence that for this nominal and partial return to the old lines of the constitution there had been a most urgent demand in the country. After the King had given his assent to the bill, the Peers sent down a message to the Commons to tell them they were full of joy, and suggesting that they should join in asking the King to give them an opportunity of expressing thanks. They contemplated ringing of bells and bonfires throughout the whole city. The Commons sent an eager message back. They had been "in agitation of the same business" when their lordships' messengers came; they received the

message with much joy, and were ready to join their lordships. The same afternoon (Feb. 15th, 1641) "most humble and hearty thanks in the name of both Houses and the whole kingdom" were given to the King for an Act of which, they said, "as it is of singular comfort and security for all your subjects for the present, so they are confident it will be of infinite honour and settlement for your Majesty's royal crown and dignity, as well as comfort to their posterity." The citizens had their bonfires. The streets of London, says Nalson, the royalist chronicler of this reign, "were all in a blaze, and the bells proclaimed the joy, as well as the tongues of this party, rather of a triumph for victory than an acknowledgment for royal bounty." The public anxiety to preserve the fruits of this victory was appealed to in the Parliament's public recapitulation of the messages that had passed between them and the King. This showed a fear that the King's coun-

sellors would by "some wicked device or other, make the bill for the triennial Parliament, and those other excellent laws mentioned in his Majesty's declaration, of less value than words."

It was maintained at the time, in the *Grand Remonstrance*, as it is at this day recognized by our first authorities on constitutional history, and as is made clear by the facts already set forth in this volume, that in the passing of this Act the Long Parliament had not gone beyond the restoration of strictly constitutional rights. Hallam declares of the principal Acts and Statutes which we owe to this Parliament, that "they made scarce any material change in our constitution such as it had been established and recognized under the House of Plantagenet; the law for triennial Parliaments even receded from those unrepealed provisions of the reign of Edward III. that they should be assembled annually." "Great as were the changes," says Green, "which had been wrought in the

first six months of the Long Parliament, they had been based strictly on precedent, and had, in fact, been simply a restoration of the older English constitution as it existed at the close of the Wars of the Roses."

One Act, however, was not founded on precedent, and was, indeed, contrary to the principles the Parliament itself had maintained. This was the Act preventing its own dissolution except by its own consent. The pleas for this inconsistent conduct were of a kind always at the command of those who exercise arbitrary powers—the urgency of the occasion, the necessity of providing for the King's own security, and the public peace.

CHAPTER IV.

RENEWALS OF THE CLAIM. THE BILL OF
RIGHTS. THE SECOND TRIENNIAL ACT.

EXPERIENCE taught the nation that they might suffer from Parliaments as well as for want of them, unless they could secure frequent appeals to the people according to the spirit of the ancient laws. This conviction was never entirely dormant, even when the Triennial Act was repealed at the Restoration. It grew stronger with experience of an eighteen years Parliament under Charles II. ; it found expression in the Declaration and Bill of Rights ; and, finally, it gave the nation a second Triennial Act.

After Cromwell had dispersed the Rump, he

himself, in his schemes for a reformed Parliament, saw it to be wise to provide that one should be summoned every third year, and that without its own consent the Parliament should not be dissolved within five months of its assembling. His Parliament of 1654 is eulogised by historians for its representative character. Cromwell declared to it that the danger to avoid was the perpetuating of the same Parliaments. The Parliament endorsed his view in a measure that no triennial Parliament should sit beyond six months without the Lord Protector's consent, and then only for a strictly limited time. Within the intervals of the triennial Parliaments other Parliaments might be called as necessity required, on the understanding that these should end before the triennial election. The measure never became law, owing to the dissolution by Cromwell, but the security which it was designed to give was always kept in view by the nation. The next Parliament he

called, though it hankered after a monarch and offered him the kingly title, also petitioned the Protector to summon Parliaments of two Houses "once in three years at farthest, and oftener as the affairs of the nation shall require." The Rump had before its sudden dissolution discussed some schemes for a constant representation of the people. In these discussions it was suggested that Parliament should always sit, but should be kept in harmony with the people by a perpetual rotation of its members. Another proposition was, that two councils should be chosen by the people, one of them to have the power of proposing and discussing laws, the other to arrive at the final decision. It is important to notice that in this proposal also the right of the people to be frequently consulted was acknowledged by a provision that every year a third part of each council should retire, so that their places might be filled by a fresh election. Nothing but con-

tempt, however, could be felt for professions of regard for the popular voice from a body whose own mandate was now so antiquated, and who in fact were at the mercy of the army.

In the popular reaction which brought about the Restoration, nothing was refused to the King, and with mad complaisance the Parliament of the day repealed the Triennial Act. It appeared, from the speech of Charles, requesting the Houses to pass a bill for this object, that there had been in the country some contention that the Parliament was really at an end. The King did not admit that an existing Parliament was *ipso facto* dissolved at the end of three years by the Act of 1641, but he earnestly requested that the Act, which he said was passed in a time very uncareful for the prerogative, should be repealed. He thought it politic, at the same time, not to offend the national veneration for constitutional government. "I need not tell you," he said, "how

much I love Parliaments. Never king was so much beholden to Parliament as I have been ; nor do I think the Crown can ever be happy without frequent Parliaments." He concluded with a threat that, if he did think otherwise, he would never suffer a Parliament to come together by the means prescribed by the Triennial Act. The obedient House, thus lectured, lost no time in passing a repeal bill, and in condemning the statute of 1641 as derogatory to the prerogative of the Crown. But even this compliant Parliament, while repealing the bill, brought in another to declare that Parliaments should not be intermitted more than three years. A few details of the debates at this time have been preserved to us by Pepys. To these are now added, by the valuable researches of the Historical Manuscripts Commission, some references to them from the Verney MSS. From these it appears that the Act was not repealed without vigorous protests. Sir R.

Verney, having gone abroad to avoid taking the Covenant in 1643, kept up for many years a correspondence with friends at home, one of whom in 1664 wrote to him: "The debate on Tuesday was about the Triennial Bill, for the damning of which Prynne spake most desperately, and Sir R. T. as desperately to preserve it, and, if all be true, made a very coxcoming of Prynne, confounding him demonstratively, causing several Acts to be read showing his palpable mistakes in wilfully perverting the text, and that the bill was not an act of grace but the people's right, and ought not to be denied them—nay, that it was a condescension in the Parliament and a waiving of part of their right to be taking a triennial Parliament when an annual was their due by former Acts of Parliament which he caused to be read, for which you may be sure he is farther become a Whitehall favourite, the clean contrary way. Yesterday it was resolved to take away the Triennial Bill,

and have another more exact, as is pretended." A few days afterwards, the same writer says : " Mr. Vaughan came to town on Saturday, and on Monday he pealed it away about triennials an hour and a half by the clock, spake so desperately home that he outshot Sir R. T. ten bows' length, but all in vain. The bill is engrossed, marched up to the Lords, and so farewell Magna Charta."

These statements are corroborated with curious closeness in Pepys' diary. The first reference by Pepys is to the King's speech urging the passing of the Repeal Bill, and it concludes thus :—" So the Houses did retire to their own House, and did order the Act to be read to-morrow before them, and I suppose it will be repealed, though I believe much against the will of a good many that sit there." The next entry is not less instructive : " 26th March. Sir W. Batten told me how Sir Richard Temple hath spoke very discontentful words in the House about the Triennial

Bill, but it hath been read the second time to-day and committed, and he believes will go on without more ado, though there are many in the House are displeased at it, though they dare not say much." Referring evidently to the Act about to be repealed, he says, "Above all expectation Mr. Prin is the man against it, comparing it to the idoll whose head was of gold, and his body and legs and feet of different metal. So this bill had several degrees of calling of Parliaments, in case the King, and then the Council, and then the Lord Chancellor, and then the Sheriffs should fail to do it." On the 28th March we find Pepys saying, "The great matter to-day in the House hath been that Mr. Vaughan, the great speaker, is this day come to town, and hath declared himself in a speech of one hour and a half, with great reason and eloquence, against the repealing of the bill for triennial Parliaments ; but with no successe : but the House hath carried it that there shall be such Parliaments,

but without any coercive power upon the King if he will bring this Act. But, Lord, to see how the best things are not done without some design, for I perceived all those gentlemen that I was with to-day were against it (though there was reason enough on their side) ; yet purely I could perceive, because it was the King's mind to have it ; and should he demand anything else I believe they would give it him."

The King, pleased and even profusely grateful for the Repeal Bill, came down specially to give immediate assent to the compensatory bill for preventing intermission of Parliaments. As if to reassure any that might be inclined to repent of their haste, he protested that the repealed Act could never have been the occasion of frequent Parliaments, and promised that he would not be an hour the less without one in consequence of the change in the statute book. This was in 1664, and the king kept his word too literally. It was a long time indeed before

he was without "one" Parliament. The same Parliament, begun in May, 1661, was carried on till the beginning of 1679, with intervals, and was at length parted with to avoid the introduction of the Exclusion Bill, on which the Parliament had set its heart. By the surrender of the Triennial Act, the people might suffer inconveniences from extended Parliaments long enough, without further remedy than the gradual one afforded by the bye elections. Even then, as the name Pensioners' Parliament implied, corruption might prevail in favour of court interests where they were opposed to those of the nation, and we know how Danby bribed the legislators of that day. Hallam, while exempting this Parliament from serious reprehension, says it granted supplies too largely, and did not sufficiently provide against the perils of the time. Its great achievement, the Habeas Corpus Act, was only accomplished because the King knew that he was about to


dissolve Parliament, and that if he opposed this bill his hopes of a more friendly Parliament were doomed. Macaulay, who has so thoroughly investigated this period, says the servility of this Parliament left a deep impression on the public mind, so that as long after as 1692 it was the general opinion that "England ought to be protected against the risk of being ever again represented, during a long course of years, by men who had forfeited her confidence, and who were retained by a fee to vote against her." While the people's interests were thus at hazard from a long Parliament, there was no difficulty on the part of the monarch. When he began to find a Parliament troublesome, he took "into his serious consideration the many inconveniences arising by the over-long continuance of one and the same Parliament," and forthwith declared his royal will and pleasure to dissolve it.

"When rogues fall out, honest men come by their own," says the adage. When, in 1676, the

usurpers of parliamentary functions, as we must consider them from the passing of the repealing Act of 1664, were quarrelling over a question of privilege, the Peers bethought themselves that the Lower House, which presumed to dispute with them so hotly, was no longer a truly representative assembly. An address to the King, praying him to dissolve Parliament, was moved, and would have been passed but for the bishops. All the bishops present voted against the motion, which was defeated by the narrow majority of fifty against forty-eight. The debate, however, was useful and instructive. The constitution of the country, the ancient laws and statutes of the realm were again appealed to, and the fact that new Parliaments, and not frequent sessions of old ones, were by these laws required, was brought into view. Prorogations, or long adjournments, were declared to be things never heard of until later years in our history. The members, it was

urged, were chosen once a year, if not oftener, under the old law, "so that they might perfectly give the sense of those that chose them, and were the same thing as if those were present that chose." It was represented to be "most unreasonable that any particular number of men should for many years engross so great a trust of the people as to be their representatives in the House of Commons; and that all other gentry and the members of the corporations of the same degree and quality with them should be excluded. Neither is it agreeable with the nature of representatives to be continued for so long a time, and those that chuse them not to be allowed frequent opportunity of changing the hands in which they are obliged to put so great a trust, the mutual correspondence of those who chuse and are chosen admitting of great variations in length of time." The bishops, apparently, had been arguing that the Church would be in danger from the Puritan

party at the elections, and that the Church and nation must fall together. But the prelates' fears were made light of, and they were taunted with confessing by resort to such argument that members of this House of Commons were "not the true representatives of those they serve for, and that the people and they were of different minds." The arguments of the minority were put on record in a protest signed by Buckingham, Clarendon, Dorset, Shaftesbury, Chesterfield, Mohun, Salisbury, and fifteen others. Buckingham, formerly of the Cabal, at the opening of the next session made a speech of singular eloquence and force on this subject. It procured him, by the way, a lodging for some time in the Tower, because he carried the argument so far as to say that Parliament, then meeting, was, by virtue of its long continuance, by law dissolved. The Triennial Act having been repealed while the new law to prevent the discontinuance of Parliaments longer than three



years had not yet come into operation, he argued that either the King was bound by the statutes of Edward III., or the Government of England by Parliaments according to law was at an end ; and once again he asserted, for the people of England, "their undoubted rights of choosing men frequently to represent their grievances in Parliament." From the efforts made to punish Aaron Smith, who had said "dangerous and seditious words against the being of this present Parliament," and to regulate the press, it is to be presumed that the plea of Buckingham found ardent supporters in the country. Lord Shaftesbury, who was sent to the Tower for supporting the Duke of Buckingham's view, was in the next Parliament made a member of the new privy council, and, following the usual and natural course of those in office, opposed an early appeal to the people when, through difficulties with the existing Parliament, the king was inclined to make one.

Even in a well-bribed House of Commons there had before this been some murmuring about the length of the Parliament. Sir R. Temple, whose violent protests against the repeal of the Triennial Act have already been noticed, brought in a bill for frequent holding of Parliaments in February, 1667. He suggested triennial Parliaments. Annual Parliaments, he seems to have argued, were laid aside because they were too frequent, and this is the first time we hear of any statement being made in Parliament against the old system of annual Parliaments. The debate was a warm one, characterized by what are called "scenes," nowadays. In the first place, Sir Hugh Wyndham having referred to the bill as brought in "he had almost said with impudence," this expression, in the language of the chronicle of the day (Grey's "Debates"), "was taken ill by many." Again, Sir Thomas Littleton, in defence of the bill, said he knew not a more

modest way of compelling the King by law. "Great exception was taken at the expression ;" some good-natured members, anxious to allay the storm, suggested that the word used by the honourable member was not "king," but "thing." There were also objections to the bill on account of non-compliance with some of the forms of the House, and the Speaker objected that the bill was blotched and interlined. "With much difficulty," says the reporter of this ancient debate, "a first reading was obtained ; but from that time the gentleman that brought it in did not increase his interest in the House." It is to be gathered from this debate that the bill revived the provision of the previous Triennial Act, that if in three years the King should not call a Parliament, the chancellor for the time being might issue out writs for an election. Sir T. Clifford, who held a government office, denounced the bill as contrary to monarchy, and appealed to his fellow-

members to say whether it would be proper for the House that had repealed a similar Act to pass another, or whether it would be seemly towards the King, "who had declared so much affection to the Parliament." In the debate there is not wanting evidence of a consciousness on the part of members, that they were not precisely in harmony with the constituencies in their treatment of this measure. One representative asked what the people would say if this bill were thrown out; another member seized on the fact of the bill being interlined as a reason for laying it aside in preference to rejecting it, for he "would not have it thrown out, lest apprehensions should be in the minds of the people;" and the House itself, in finally ordering Sir R. Temple to withdraw the measure, thought it prudent to take steps to prevent its votes being challenged on such measures. It ordered that no bill of this nature should in future be tendered without leave and order.

The feeling in favour of short Parliaments grew with the growth of the Parliament in years. It was nine years after Sir Richard Temple was forced to withdraw his bill that some of the Lords took advantage of this public feeling, and, as already shown, would have carried a motion in favour of dissolution but for the votes of the bishops. In 1677 so much eagerness was shown out of doors to make out that the prorogation of more than twelve months was illegal, and that the Parliament was consequently dissolved by lapse of time, that the House of Commons was forced to take notice of the subject of so "much discourse abroad." A motion was made that in order to settle all doubt the King should be asked to dissolve the Parliament. It is not surprising that it did not meet with much support. Colonel Birch, who spoke in the debate, gives us the explanation in the shrewd remark, "Those in the long Parliament were

willing to keep their places, and he never yet met with any that were willing to part with theirs."

The King, who "never said a foolish thing and never did a wise one," soon after roused the nation to protest rather against "the breaking of Parliaments," as the phrase then had it, than against their long duration. Charles had to grapple with the suspicion that he intended to govern without a legislature, and he found it necessary to give a public assurance that he intended to have recourse to frequent Parliaments. The grievance of the moment was short Parliaments—sittings of the Legislature abruptly broken off because they were inconvenient to the King, but that the other grievance was always borne in mind is proved by the fact that the remedy sought by the Declaration of Rights was not a Parliament of long or even fixed duration. The evils of long Parliaments were too recent not to be vividly remembered.

Hence, after the brief reign of James II., in the Declaration of Rights, thirteenth article, it was declared "That for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently." Sir R. Temple, in the debates about this time, mentioned, as among the things necessary to secure liberties to posterity, "the calling of persons to account that break Parliaments when they will not do what pleased, the providing for their certainty and frequency, and the providing for elections of Parliaments that corporations may not be made tools to nominate whom they please." In the Scotch Parliament the declaration ran, "that for redress of all grievances, and for amending, strengthening, and preserving of laws, Parliaments ought to be frequently called and allowed to sit, and the freedom of speech and debate secured to the members." The Bill of Rights, confirming the declaration of right of the people of Great

Britain to short Parliaments, received the royal assent on the 16th of December, 1689.

The Convention Parliament which called William to the throne was itself of short duration, but the unreadiness of Parliaments to curtail their own existence was shown by the continuance of the next, which met in 1690, till long past the triennial period; not, however, without protest and a strenuous attempt to prevent this encroachment on the popular right. Already, in 1692, there were complaints that the electors were unfairly represented, and in the Legislature the claim for short Parliaments was revived by the introduction of another Triennial Bill. The Commons had sent to the Lords the Place Bill. The Peers rejected it, but forthwith declared for a Triennial Bill, and sent it down to the Commons. This bill in the Lower House met with opposition from Tories who, singular as the statement sounds in our day, relied a great deal in their argument upon

the avowed necessity of being jealous of the Lords. "Is it reasonable," asked Sir E. Seymour, the leading opponent of the bill, "that the Lords, who represent themselves, should turn you out that represent the people?" Even Sir R. Temple, who, as he reminded his colleagues in the Commons, had always been in favour of short Parliaments, suspected the designs of the Peers, and spoke against this measure. The majority, however, knew that the bill was demanded by the country, and did not dare to vote against it; and, as will be seen from some of the names to be presently mentioned, there were uncompromising Tories who gave this Whig measure their support. One of the arguments in favour of the bill was that bribery would prevail in the House if it lasted too long. This was certainly in these days a serious danger which did not pass away till long afterwards, and which furnished the literature of the reign with amusing anecdotes of the expectations

of county members and their demands upon the ministers who resorted to corruption. But whether by bribery or otherwise, it was recognized that in Parliament men were apt to change. "When men continue here long, they alter," said one member; "they come up hither free men, but here are made bondmen." This honest fellow believed in the equity of frequent elections. "If to be elected be an honour," he said, "let neighbours share; if a burden, so likewise." Mr. Herbert, afterwards Lord Herbert of Cherbury, and acknowledged to be "a hearty promoter of the Revolution," said, "I would rather have a standing army than a standing Parliament." Sturdy was the declaration of Mr. Bowyer, member for Southwark. "Two of the greatest mischiefs of this kingdom," said he, "are either to have no Parliaments or to have long Parliaments." Mr. Harley put in the argument that "a standing Parliament can never be a true representative, men are much

altered after being some time here, and are not the same men as sent up." Sir T. Clarges told the House that he could not refuse to speak in favour of the bill, lest in the country he should be discredited, and expressed his opinion that the article in the Bill of Rights which was "the chief good" was that relating to triennial Parliaments. Mr. Foley, taking a line befitting the character of a man who was by-and-by selected to replace a Speaker disgraced for bribery, wanted the bill to stop corruption. Sir F. Winnington maintained that the people had as much right to have frequent Parliaments as to have Parliaments, because they could not recall their members without an election. Frequent Parliaments, he said, would cure the great evils and oppressions of privilege. Sir C. Musgrave, lamenting that former laws on this subject had ever been evaded, insisted on the necessity for now having them "better explained;" and Colonel Granville declared that

the bill, so far from being an innovation, was designed to guard our ancient constitution. Such arguments, or more probably the knowledge that on this subject at least the people were roused, led to the second reading of the bill by 210 votes against 32. On the motion for commitment of the bill, similar arguments were advanced for and against the measure. Howe declared that persons out of doors would thank the House for the bill, and as for himself, he hoped to behave so well as to be again sent up. Mr. Brockmann, a member who afterwards brought in another Triennial Bill, laid down the proposition that it was better for the King to rely on his people than on the ministry. Mr. Foley, again speaking for the bill, argued that when a Parliament failed to check a ministry the people would succeed. All speeches, it seems, were not to the point in these days any more than in the present. The report from which this summary has been derived quaintly

says that "Sir John Guise spoke also in this debate, in which he was not very short neither, but it was difficult to perceive whether he was for or against the bill." The speech of Colonel Titus, in the form it has come down to us, is not lacking in the point which that of Sir J. Guise wanted. He compared Parliaments to manna, which when it fell was sweet as honey, but if kept bred worms. "It is objected," said he, "that we have good laws for frequent Parliaments already. I answer, the ten commandments were made almost four thousand years ago, but were never kept." The bill was committed, but in order to meet objections on the score of interference with the King's prerogative, the clause terminating the Parliament on January 1st, 1694, was altered, and it was simply declared that the Parliament should be dissolved on March 25th, 1694, "if the King pleased." Burnet declares that one of the objections to the bill was that frequent

elections would make the freeholders proud and insolent when they knew that applications must be made to them at the end of three years. Another was the great cost of elections. The bill finally passed by 200 to 161 votes; but, to the astonishment of the country, the King refused to give his assent. He seems to have caused to be given out as his reason for declining to pass the bill, his indisposition to part with the Parliament while the nation was at war. Great excitement prevailed in the country in consequence of the royal veto imposed on this measure. Its early re-introduction was inevitable.

Surprise followed surprise, however. Notwithstanding the popularity of the measure, it was destined to fail once again before it was finally adopted. In addition to the letters of L'Hermite, to which Macaulay acknowledged himself indebted on this subject, and to the correspondence of Bonnet, utilized by Von Ranke, we have now a new source of information in the letters

discovered among the Earl of Denbigh's manuscripts. The Marquis of Salisbury, in his report as a member of the Historical MSS. Commission on these papers, takes notice of a series of letters in French from a person who evidently had access to Court to some one abroad, supposed by Lord Salisbury to be Dykevelt. The fulness of this mysterious person's references to the Triennial Bill shows the importance with which the measure was regarded. It is to be gathered from his narrative, that the bill for triennial Parliaments was assiduously promoted at the beginning of the session in December, 1693, as a measure obviously demanded for the pacification of the people. The famous bill, as it was called, had been, or was to be, so altered as to obviate, in the opinion of some Tory members, their objections to the restriction of the King's prerogative. Thus the chances of success seemed to be improved. On the other hand,

some of the Peers who had supported the Earl of Shrewsbury in promoting the bill of the previous session, were now disposed to be more inclined to the interests of the King. Parties were strangely mixed up during the discussion. It commenced in the Lower House ; and when it was decided that the present Parliament should not sit longer than September, 1694—that from that date there should be general elections triennially, but that questions concerning annual sitting and prorogation should be left to the King—courtiers were heard to express the opinion that the royal assent would not be withheld from the measure thus framed. A few days afterwards, however, an amendment was offered on the third reading of the bill. The nature of the amendment is not described, but a meagre reference to the subject in Chandler's "Debates" shows that it was offered with the view of making sure that there should be an actual session of Parliament within a fixed time from

the dissolution. Upon this question the party opposed to the bill found they had secured a majority of votes. They forthwith moved the rejection of the measure, and by 146 to 136 votes gave it the *coup de grâce*. This caused no little surprise, but from the source of this narrative we are justified in inferring that there were those in Parliament—George Grenville among them—who had decided in favour of the rejection of the bill, because in their opinion it was no longer conformable to the measure of last year, which they believed to be demanded in the public interest. It was resolved by the party for the bill that a new measure should be immediately introduced into the Upper House. Monmouth was its sponsor. Shrewsbury, the champion of the measure of 1692–3, had evaded responsibility for the present measure by retiring into the country. In a great debate lasting five hours the question whether there should be compulsory annual sessions was

decided in the affirmative. The Earl of Nottingham, the Bishop of Worcester (the famous Stillingfleet), and the Earl of Mulgrave, now on the side of the court, opposed the proposition ; but the majority appealed, in support of their own position, to the old laws in favour of annual Parliaments, and carried the day by fifty-eight votes against thirty-four. The Archbishop of Canterbury (Tillotson), though esteemed well-intentioned towards the court, went with the majority through conviction that the measure, while not really prejudicial to the prerogative, was in conformity with our ancient laws. The Bishop of St. David's—a Jacobite—was on the same side ; but the rest of the episcopal bench opposed the bill. Three days later there was a hot controversy over the expression “holden” in the clause providing for the annual assembling of Parliament. The insertion, by a majority of twenty, of a clause so defining this word as to maintain the prerogative of proroguing Parlia-

neveu de lord Mansfield * mais lord Rivers qui fut opposé au bill fut le

* C'est-à-dire l'opposition de lord Mansfield à lord Rivers. — 1790. Le bill fut tiré en avant par lord Mansfield et à quatre fois après quelques temps. Il prétend d'abord que l'acte est bon mais il ren à aucun qui puisse être taxé. Il est dit de ce que son frère le capitaine n'est pas encore marié et ne l'est pas son tour. Il parle de son tour touchant le bill des parlements venant. Il est en outre de ce qu'il n'a pas passé à la maison des seigneurs qu'avec la haute cour, le roi a vu un conseil le privilège d'assembler le privilège et le caser. Il est dit contre ceux d'entre les seigneurs qui ont changé le sentiment depuis l'année dernière comme lord Mansfield. On voit que la cour l'a gagné par argent et on fait courir fausement le bruit que c'est par mes mains parce que je suis souvent dans son carrosse au retour du Parlement. My lord Mansfield ne saurait raisonner longtemps sur ces matières sans être voir qu'il a pris un mauvais party. Je l'exhorte comme son serviteur de ne jeter pas le manche après la cognée en quittant ses charges et de considérer l'état de son famille et ce que le roy a fait pour elle. Je sçay que des esprits mal intentionnés le prouvent contre son propre intérêt sous prétexte d'amitié dont la bonne est assez rare icy. Lors qu'on passa le bill triennal parmi cent seigneurs il y en eut trois des principaux qui opinèrent pour le rejeter entièrement

Lower House would reject a provision so contrary to the design of the measure. In the House of Commons the bill passed its earlier stages without any amendment, though there was much discussion on the clause introduced by the Lords, and excitement on the subject seemed to be dying out. But, returning to such home records as we have of the debates at these times, we find the Commons at the last stage of the bill again debating the subject. The obnoxious clause was "that a Parliament shall be understood to be holden, although no Act or judgment shall pass within the time of their assembly." Sir E. Seymour again played on the House's jealousy of the Peers. Were they, he asked, to allow the Lords to send down propositions to them which they had in their own House rejected? Or, having declared a love of

et pour ne plus parler d'une affaire que le roy a refusée avec tant de raison l'année dernière, sçavoir le duc de Somerset, cet comte d'Abingdon et le comte de Notingham tous trois Torys.

frequent Parliaments, would they accept a bill which might put them to the trouble of coming to the Parliament only to be sent home again? Would they accept a bill from the Lords declaring when they should be dissolved? Sir C. Musgrave was not inclined to dispute the right of the Peers to originate a bill even of this sort. Moreover, he thought the dissolution of their Parliament absolutely necessary. Still, when Parliaments met he liked them to do something; and, accordingly, he protested against the Lords' definition clause as legalizing prorogations before grievances were heard and redressed. Colonel Titus, on whose quaint speeches Macaulay has lovingly if briefly touched, did not object to a good thing from the Lords, though he admitted that it was naturally provoking that the Lords should prescribe the time of their dissolution. "St. Paul," he said, "desired to be dissolved, but if any of his friends had set him a day he would not have taken it well of them." But

Titus thought of the people as well as the Peers. Good Parliaments he knew to be their desire; and, added he, "I never saw long Parliaments good ones." The opposition to this interpretation clause not being successful, the interest in the bill subsided, and it was rejected altogether.

At last, however, a Triennial Act was secured in 1694. In the country short Parliaments were still loudly clamoured for, and Samuel Johnson—he who had been whipped from Newgate to Tyburn for writings obnoxious to James II., who boasted that he had laid the bridge for William the Third to cross over to this country, and who had been compensated for his former degradation by William and his Parliament—had issued his "Essay concerning Parliaments at a Certainty." Tracing our Parliaments back to yearly folkmoets established by King Arthur and held "at the beginning of the kalends of May," this pamphlet vindicated the right of the people to annual elections. In the ministry the

Whig interest about this time was strengthened, and the King's disposition to resist Parliament was no longer so strong. Sir William Temple and Jonathan Swift,* his messenger to Court, had failed to restrain the King from exercising his veto in 1692-3, but in the interval William had received a "representation" from the Commons, in which he was warned that the denial of the royal assent to bills redressing grievances was an infrequent occurrence in previous reigns, and was seldom unattended with inconvenience to the Crown. On this he had promised ever to have a great regard for the advice of Parliament. The Commons showed great earnestness on the subject. Notwithstanding the urgent recommendation of other measures in the speech from the throne, "the first thing they did was to order Mr. Harley to prepare and bring in a bill for the frequent meeting and calling of Parliaments, which they had been so earnest for in former

* See Appendix B.

sessions, and were resolved to insist upon this. The bill was easily drawn up and presented November the 22nd, and read with despatch the third time, and passed December the 13th, and sent up to the Lords, who on December the 18th gave it their concurrence without any amendments" (Chandler's "Debates"). The preamble of this measure was declaratory of constitutional rights. It asserted that by the ancient laws and statutes of the kingdom, frequent Parliaments ought to be held ; and that frequent new Parliaments tend very much to the happy union and good agreement of the King and his people. Under the bill, it was possible for the existing Parliament to be prolonged twelve months. In the House of Lords, Devonshire, Weymouth, Aylesbury, and Halifax, signed a protest against the passing of the bill, "because it tendeth to the continuance of this present Parliament longer than, as we apprehend, is agreeable to the constitution of England." And yet the

Parliament's continuance for the three full years after the passing of the new Act would not have brought it to the age of a septennial Parliament. The Royal assent was given to the bill on the 22nd December, 1694. "The Act," says Burnet, "was received with great joy ; many fancying that all their laws and liberties were now the more secure since this was passed. . . . It was hoped that our constitution, in particular that part of it which related to the House of Commons, would again recover both its strength and reputation, which was now very much sunk, for corruption was so widespread that it was believed everything was carried by that method."

CHAPTER V.

THE PEOPLE DEPRIVED OF TRIENNIAL PARLIAMENTS. THE SEPTENNIAL ACT.

ON a State emergency, the Whig Parliament of 1716 procured the passing of the Septennial Act, but was aided in passing it by scandals then attending frequent elections. Corrupt practices, therefore, to which was partly owing the original undermining of the bulwark of popular liberty—short Parliaments,—had again their evil influence in curtailing national right. The action of the Parliament, however, in prolonging its own existence, was accomplished only in the face of emphatic protests from Peers and people. The Parliamentary protest bore Tory testimony

to the contention that short Parliaments were the constitutional right of the people of England.

After following so closely the history of the demand for a frequent appeal to the people, and noting the difficulties with which this generally recognized security for the well-being of the State had been secured, it is startling to be reminded that the Triennial Act was repealed so early as 1716. For this the people had apparently no direct responsibility whatever. But an indirect responsibility attaches to them for their failure to maintain the purity of election, and so furnishing their representatives with additional arguments for the course they took. The wise principle of our constitution is that elections should be free as well as frequent. The whole course of history during the period with which this book has yet had to do, proves the danger of neglecting this two-fold security.

When frequency of election was not insisted upon, the freedom of election was always somehow endangered. The King chose a time for his Parliament when he could influence the election ; or the member, tempted by the prospect of a lengthened period of distinction as a representative, found it worth while to corrupt the constituency ; or ministers manipulated the rotten boroughs. On the other hand, when freedom of election in the widest sense was not maintained, the interests of the people were sooner or later betrayed. Corrupt practices began, as we have seen, in high places, and led to the accumulation of unconstitutional authority in the Crown ; when the power of the Parliament was restored, the people's representatives were tampered with ; finally, when the people obtained their right of frequent elections, unguarded by any security for its impartial exercise, they too were subjected to corrupt and undue influence. One of the pamphlets issued about

the time of the struggle for the Triennial Act of 1694, states that at one election of the burgess for Northampton, the Court had spent the enormous sum in these days of £14,000. Elections under the Triennial Act were ruinous in their cost, and feeling ran high on the question of the succession. The Ministers were not slow to avail themselves of this plea in support of a bill, the real reason for which was their desire, by maintaining themselves in power, to crush the last hopes of the Pretender's party. If they had persuaded Parliament that the necessity for the settlement of the kingdom alone justified its perpetuation of its own existence, they might have been met with a demand to meet a temporary exigency with a temporary measure. So, in the preamble the reasons for the bill were stated in a way the ingenuity of which earned for its framers the execration of future reformers. The Act of 1694, making Parliaments triennial, was recited,

and the preamble continued: "and whereas it hath been found by experience that the said clause both proved very grievous and burdensome, by occasioning much greater and more continued the expenses in order to elections of members to serve in Parliament, and more violent and lasting heats and animosities among the subjects of this realm than were ever known before the said clause was enacted; and the said provision, if it should continue, may probably at this juncture, when a restless and popish faction are designing and endeavouring to renew the rebellion within this kingdom and an invasion from abroad, be destructive to the peace and security of the Government: Be it enacted," etc. The proposed enactment was that "this present Parliament, and all Parliaments that shall at any time hereafter be called, shall and may respectively have continuance for," and then followed a blank, which afterwards was filled up by the insertion of the number of years contem-

plated by the ministry in introducing the measure.

The proposition to repeal the Triennial Act seems to have taken the country by surprise. As recently as in the preceding Parliament the mere suspicion of a repeal of the Triennial Act had occasioned an outcry in the country, and vehement protestations were heard against such a course from the very men who, now that their own party was in power, were advocating the measure. Ephemeral publications bearing the same date as the year of the Act, show great eagerness to pacify the feeling of constituencies who had rather been accustomed to discuss annual Parliaments than to anticipate septennial ones. The resolution to introduce this bill was probably first foreshadowed in a speech from the throne, on the royal assent being giving to the first bills passed in the session. George I. then acquainted the Parliament with the Pretender's flight before his

forces, and bespoke the zeal and wisdom of the Parliament to take such measures "as may deprive our enemies at home of the power, since that alone can deprive them of the inclination, again to attempt the disturbance of my government." This was on February 17th, and by the time the bill was actually introduced into the House of Lords (the 10th of April) we find that means had been employed to win opinions over in its favour. A sample of the current apologies for the suspension of triennial Parliaments, in the favourite form of a letter to a country gentleman, dated on the very day of the bill's introduction, begins, "You will be surprised that I, who so lately expressed myself uneasy at the design of altering the Triennial Bill, should so quickly have changed my mind and appear an advocate for the design." In the pleas then urged to conciliate the people, it was as a suspensory measure that the bill was spoken of. "Not one word in this

tract," says one writer, "is to be understood to mean the absolute repeal, but a temporary suspension of the law, the limitation to expire at a certain time, and the law then to return to its full force unless these limitations should be further extended by the same authority and upon the like necessity, of which necessity Parliament shall always be the judge." The public were assured that the reigning prince and the existing Parliament might be trusted not to do anything to endanger liberty. The practice of occasionally suspending the Militia Act and Habeas Corpus Act was adduced as an instance of suspension of laws most essential to the liberties of the people, and the great importance of frustrating the hopes of the Jacobites at the next election was strongly urged. "If this Parliament continue," wrote a pamphleteer already quoted, "the Jacobites are entirely lost; their cause can never have a reaction in this country . . . the Pretender may

e'en go and buy land in Swisserland or in Mount Helliard, or wherever he pleases. He will never find any more in Great Britain than what his coffin should take up when they come to bury him." Another writer, giving what he calls "particular reasons sufficient and strong for the present suspension," alludes to the fact that the "unhappy deluded people of this nation are so far from being cured of their frenzy by the late rebellion that they appear as barefaced and open against the Government as ever." He therefore proposed to deprive the King's enemies of the power of doing mischief under the Triennial Act. There was no pretence of concealing the unpopularity of the proposal. One letter-writer refers to his correspondent as expostulating with unusual warmth on the rumoured design among the great men of the Whig party to get a law either to suspend the Triennial Act for four years or to repeal it. Other writers argue that when a thing ought

to be done, its unpopularity ought not to be considered. Petitions against the bill were read in Parliament. One from Horsham was rejected by the House on account of the bold assertion of the petitioners, that they looked upon the bill as an overturning of the constitution and an infringement of their liberties.

The proposal to repeal the Triennial Act was stoutly resisted in both Houses of Parliament, though in the long run a measure recommended by reasons which, while affording a patriotic pretext, so strongly appealed to personal interests, was naturally carried by a sweeping majority. The bill was first presented to the House of Lords by the Duke of Devonshire, Lord Steward of the King's household. It is to be noticed that there was no pretence then, as there had been in the country, that the measure was to be temporary in its operation. In subsequent agitations for its repeal, and in some histories, the bill has been referred to as only a tem-

porary enactment ; but, as may be seen from the preamble already quoted, the measure from the first bound future Parliaments as far as any Parliament can bind its successors—that is, until another statute should be passed for its repeal. Complaints were immediately made of the extraordinary character of the bill. King William, it was urged, had gained the hearts of his subjects by the Triennial Act, and it would be strange that the most popular of our laws, regarded as the great security of our rights and liberties, should be repealed in the earliest years of the Protestant succession. It was contended that, while by the Triennial Act the country had an opportunity to remedy abuses, the bill would establish a grievance and take away their remedy. The bill, it was further said, showed a distrust of the people, and an intention of governing by fear, and it was calculated to exasperate rather than to settle the people. But the stoutest opposition was offered to it

on the ground of its subversion of the constitution. The power of the Parliament legally to pass such a measure was vehemently contested. For the House of Commons to continue in existence for a longer time than was contemplated by the electors when it was chosen, would be in violation of the people's rights and a breach of trust. It was wittily observed by the Earl of Peterborough, in language for which he apologized to the bishops, that he knew not how to describe the manner of existence of such a Parliament except by the use of words in the Athanasian Creed, since it would neither be made nor created, but "proceeding." Lord Trevor looked upon the Triennial Act as an essential part of our constitution, according to which frequent and annual elections were to be held ; and the Duke of Buckingham represented that the Triennial Act, whatever its inconveniences, was a good law, which could not be repealed without altering the constitution. If

a Parliament might prolong its existence for seven years, it was argued by the Earl of Nottingham that before the septennial period had elapsed stronger reasons might be alleged for continuing it still longer, or even perpetuating it in absolute subversion of the third estate of the realm. As for the Bishop of London, he was so "confounded between dangers and inconvenience on one side, and destruction on the other," that he could not make up his mind how to vote. To these arguments on constitutional grounds were opposed, by the promoters of the bill, the declarations that a supreme power was vested in the Legislature to rectify any inconvenience experienced from a former law; that the Triennial Act was itself an alteration of the old constitution; that their lordships must now strengthen themselves and disarm their enemies, otherwise the rebellion might be renewed; and that frequent election rendered the government "dependent on the

caprice of the multitude, and very precarious." Lord Carteret found an excuse for the bill, that it was not against frequent sessions, but only against frequent elections. The Duke of Newcastle, reminding the House of the "restless popish faction," which figured in the preamble, warned their lordships "that emissaries were busy everywhere to keep up the spirits of the people for a year longer, and then they hoped to retrieve all by a new election." But, above all, the supporters of the measure dwelt upon the scandals of recent elections. According to the Duke of Devonshire, triennial elections had served only to keep up party divisions, and "to raise and foment feuds and animosities in private families;" they had "occasioned ruinous expenses," and given "a handle to the cabals and intrigues of foreign princes." It was the assertion of the Earl of Dorset, that this law had sown the seeds of corruption, and great numbers of persons, he said, had no other livelihood than their

employment in bribing corporations. This was one of the noblemen who had objected to the constitution being subject to the caprice of the multitude, and he had added the frank objection to triennial elections that they destroyed all family interests. His own speech, however, entitles the reader to divide the blame of election scandals with others besides "the capricious multitude," for he follows up his references to corrupt practices by this grave reflection: "We have lately made a sad experience of it, since by those methods a Parliament was procured by the last ministry which gave sanction to most of their ill measures, and went near to give up the trade and liberties of the nation." The Earl of Ilay, in his picture of election evils, told how when "Party-Healts went round, the naming of one general before another often produced a bloody quarrel." By way of rejoinder the opponents of the bill urged that the spending of money at elections was volun-

tary, that those who spent that money probably did so in the hope of obtaining places or pensions, and that a measure which would lengthen their time in Parliament would naturally tend to increase corruption. As to the rebellion, it was completely subdued ; and even if it had not been suppressed, there might still be two sessions before the legal expiration of the Parliament. The Bishop of Rochester, in one of the last debates on the bill, summed up his objections to it thus : " But if this bill was never so good in itself, it is very unseasonable because very unpopular and altogether useless, the rebellion being crushed and the power of France not to be feared, now especially when we have a glorious standing army, and a ministry that knows how effectually to engage the affections of the people." Opposition was, however, hopeless ; the bill was committed by ninety-six votes to sixty-one, and subsequently passed by sixty-nine to thirty-six. But on both occasions

protests were made by many peers. An eloquent protest on the decision to commit the bill was signed by no fewer than thirty. It is a memorable document, for the full text of which the reader is referred to the end of this volume.*

The first reception of the bill in the House of Commons was a little doubtful, Lord Guernsey moving to reject it without even giving it a reading. The House, however, did not concur in such a summary proceeding, but read it a first time, and on its second reading debated for two hours principally upon the right of the Lords to initiate a bill so closely concerning the Commons. The division showed 276 in favour of the bill being read a second time, while 156 opposed the second reading. According to the then practice of the House, the second reading so resolved upon took place on a future day. The main debate, equivalent to our second read-

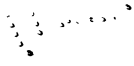
* See Appendix C.

ing debates at the present day, took place immediately after the second reading on the motion for commitment of the bill. Then "arose a warm debate that lasted from two in the afternoon till near eleven at night." There was an equal number of speakers for and against the bill. In the opening of the debate, the bill was commended very cautiously to the House by Mr. Lyddell, member for Lostwithiel, who assured the House that nothing would have induced him to propose this alteration in the law if he had not been convinced that the maintenance of the law would be more liable to inconvenience and danger than its repeal. The experiment might at first disquiet the minds of the people, but would ultimately secure the tranquillity of the kingdom. For several years past the people had been both bribed and preached into the Pretender's interest and dislike of the Protestant succession, and therefore it became rather necessity than choice to apply an extraordinary

remedy to an extraordinary disease. That sturdy Jacobite, Shippen, opened the case against the bill with great vigour. He condemned the arguments for the bill as based on surmise and imagination. Even if the danger were not exaggerated, the hands of the Government had been strengthened by the suspension of the Habeas Corpus Act. To give the people the opportunity of declaring, at the end of three years, that they were unrepresented in Parliament would be to increase the sphere of factions. The trust of members was triennial. Continued beyond its legal duration, they became their own electors, they acted by an assumed power and directed a new constitution. He scouted the notion that the people who had so much difficulty to obtain short Parliaments could be held, through this legislation, to have by their representatives condemned short and frequent Parliaments and established long and pensioned ones such as never had before been acknow-

ledged by the Commons of Great Britain. It would be tedious, after learning the drift of the argument for and against the bill from the debate in the Upper House, to go in detail over all the speeches in the Commons upon this question, but as the constitutional aspect of it is debated to this day, it will be interesting to note that in answer to Sir Richard Steele, Mr. Snell, the member for Gloucester, said, "It may be objected that, when the people have once constituted the Legislature, the Legislature is invested with the whole power of their electors, and we are empowered not only to make laws, but to alter or repeal any law in being as we should think fit for their benefit and security, and they will undoubtedly be bound thereby; but this is to be understood where the subject-matter of the laws we make is within compass of the trust which the people have, or may at least be supposed to delegate to us, and it is an ill way of reasoning to assert that we

have a power to do what we cannot do without prejudice to those we represent. The right of electing representatives in Parliament is inseparably inherent in the people of Great Britain, and can never be thought to be delegated to the representatives unless you'll make the elected to be the elector, and at the same time suppose it the will of the people that their representatives should have it in their power to destroy those that made them whenever a ministry should think it necessary to screen themselves from their just resentments. This would be to destroy the fence to all their freedom, for if we have a right to continue ourselves one year, one month, or day, beyond our triennial term, 'twill unavoidably follow we have it in our power to make ourselves perpetual." Mr. Bromley, one of the members for Oxford University, and a late secretary of State, doubted whether the bill, if passed, could carry the obligation of law, and expressed surprise that the Lords should



think them so unfaithful to the people as to accept a renewal of their right to sit from the Crown and the Peers, or should not allow to them some sense of shame at the prospect of returning to their counties and looking those in the face whom they had so greatly injured. This was the orator with whom originated a metaphor not unfamiliar since. "Does the power," he asked, "put into our hands by the people justify our turning the dagger into the bowels of the constitution?" Sir Robert Raymond, afterwards Attorney-General and Lord Chief Justice, gave his legal opinion that King, Lords, and Commons could no more continue a Parliament beyond its natural duration than they could make a Parliament. The scandalous expenses of elections, he said, had not increased from the contests of neighbouring gentlemen with one another, but "from strangers—by what influence or direction he could not tell—coming to their boroughs, who had no natural interest

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to recommend them, nothing but bribery and corruption. Nothing," this authority added, "will so effectually prevent expenses as annual Parliaments. That was our ancient constitution, and every departing from it is usually attended with great inconveniences." This great debate resulted in the commitment of the bill by 284 votes against 162. Discussion was renewed for two hours on the third reading, but the bill passed the House by 264 to 121 votes, and before the month of April had expired the King had given it his assent. Thus on an argument of expediency the law was again altered, while the Tories of that day bore their testimony in favour of that constitutional right of the people which it has been the object of these chapters to trace.

CHAPTER VI.

THE STRUGGLE TO RECOVER SHORT PARLIAMENTS.

SINCE the passing of the Septennial Act the claim to shorten Parliaments has never been absolutely surrendered. The struggle to recover short Parliaments began before the close of Walpole's administration, and was vigorously continued during the remainder of the eighteenth century.

There is no record of a serious attempt to upset the Act of 1716 until 1734. To infer from this, however, that the people had condoned the invasion of their constitutional right, and

acquiesced in the policy of the Whig leaders, would be a mistake. The bursting of the South Sea Bubble had distracted the nation and diverted attention from the constitutional question. The Pretender's intrigues, which were the strongest reason for a temporary suspension of short Parliaments, had not yet ceased, and may have afforded some members of Parliament a justification in the eyes of their constituents for not taking immediate action in favour of returning to the Triennial Act. More important than all, in its bearing on the attitude of the next Parliament on this subject, is the undoubted fact that the constituencies were manipulated. Mr. Green tells us how, about this time, "the wealth of the Whig houses was ungrudgingly spent in securing the monopoly of the small and corrupt constituencies which formed the large part of the borough representation," and the same authority has formulated the common charges against Walpole, and accused him of

being the first who made Parliamentary corruption a regular part of his system of government. In due time, however, there are to be noticed, even in a corrupt Parliament, signs of the popular dissatisfaction.

Towards the end of the first Parliament of George II., on the 13th of March, 1734, Mr. Bromley, member for Warwick, and a son of the Speaker of that name, moved for leave to bring in a bill to repeal the Septennial Act. Several speakers insisted on the popular approval of the proposal, and Mr. (afterwards Sir) Watkin Williams Wynne said that "the generality of the people so earnestly desired to have triennial Parliaments restored to them that the refusal to comply with their desire could not but increase the number of the disaffected, which might at last throw all things into confusion." According to the testimony of the same speaker, the "heats and animosities" of elections, though necessarily experienced less

frequently under the Septennial Act, had now become much more intense than they were under the Triennial Act. Bribery and corruption, it is quite clear from this debate, had actually increased rather than decreased in consequence of the abolition of triennial Parliaments. According to the testimony of Pulteney, it had reached an intolerable height. "In many, nay, in most parts of our constitution," he said, "we are sunk to the lowest and vilest dregs of corruption, and, if some extraordinary event do not prevent it, our constitution will be irrecoverably lost."

In reply to the proposition that in a triennial Parliament ministers would be embarrassed in their treaties with foreign powers, who would wait for the verdicts of new Parliaments on questions sometimes demanding immediate settlement, Lord Noel Somerset (Monmouthshire) happily pointed out that our credit with foreign nations must necessarily be improved

by the knowledge of our neighbours that there is union and mutual confidence between Crown and people. The ministers of a new Parliament would doubtless, for their honour and safety, pursue the old measures if they were good. If the old ministers, however, had entered on measures inconsistent with the good of the nation, the change of the ministry would be lucky for the country. Sir J. Hynde Cotton, who then represented Cambridge, in an exposition of the grievances the people suffered from septennial Parliaments, included the Riot Act and South Sea scheme, which he said would never have passed if a triennial Parliament had been in existence in 1720. Sir W. Wyndham, with much eloquence, maintained the right of the people to have frequent Parliaments, a claim asserted in the Bill of Rights, and vindicated in the Triennial Act. Popular ferment he declared to be due to encroachment on popular rights. There was no better way

of avoiding it than by having more frequent elections. Mr. Henry Pelham was against the motion. Pulteney, having voted for the Septennial Act, was now as anxious to have it repealed, the danger which the Act was intended to provide against being in his opinion past. The certain and the only way of preventing sedition and disappointing faction was, in this statesman's opinion, to give the people frequent opportunities of obtaining redress in the legal way prescribed by the constitution.

The great debate was concluded by an able speech from Sir R. Walpole. Descanting upon the perfection of a constitution in which monarchical, aristocratic, and democratic forms of government were interwoven, so as to give the advantages of each without subjecting us to the dangers and inconveniences of any one of them, he objected to triennial elections as running too much into the democratic form. He poi . . . e were ever

apt to be too much elated with success, and too much dejected with every misfortune. This made them wavering in their opinions about affairs of State, and never long of the same mind. He feared a too frequent renewal of the House would lead to similar wavering in Parliament, and to a change of measures every time the people changed their minds. The minister further enlarged on the dangers of sedition and faction, and of restless and unquiet spirits among the people having too large a share in Government. Finally, he answered allegations made in the debate regarding the bribery and corruption of members of Parliament. The argument ended in the loss of the motion; for, in the words then used, "it passed in the negative by 247 to 184."

It was in this debate that Sir W. Wyndham, under the guise of a hypothetical argument, made a memorable attack on Sir Robert Walpole, picturing him as a man abandoned "to

all notions of virtue or honour ; . . . possessed of great wealth, the plunder of the nation ; with a Parliament of his own chusing, most of their seats purchased, and their votes bought at the expense of the publick treasure ; . . . pluming himself in defiances, because he finds he has got a Parliament, like a packed jury, ready to acquit him at all adventures ; . . . having no virtue of his own, ridiculing it in others, and endeavouring to destroy or corrupt it in all."

Sir Robert's reply to such extraordinary invective pointed to Bolingbroke as the real instigator of the attack upon him, and as the interested advocate of shorter terms of Parliament. Asking to be allowed to draw a picture in his turn, he supposed "an anti-minister" not really liked by any, even of those who so blindly followed him, and hated by all the rest of mankind ; taking advantage of clemency extended to him by the Crown to destroy the fountain whence that mercy flowed ; "at every court

where he was, thinking himself the greatest minister, and making it his trade to betray the secrets of every court where he had before been ; void of all faith and honour, and betraying every master he had ever served."

Bolingbroke's views on short Parliaments were published in his "Dissertation on Parties," where he maintained the right of the people to frequent elections, declined to allow that the inconveniences of these elections could be set in the balance against the danger of weakening any one barrier of our liberty, and held the work of the Revolution to be imperfect and future security precarious unless our ancient constitution were restored.

There were striking indications of the public feeling on the subject of short Parliaments in 1741. The citizens of London, in an address to their new member in that year, express the opinion that it is their duty, and claim that it is their right, to acquaint their members with

what they desire and expect from their representatives. Conspicuous among the instructions they accordingly gave were the following:—
“When we reflect on the danger of entrusting power too long in the same hands; when we wonder how often, in former times, the liberty of this country has been sacrificed and sold by long-continued Parliaments, and that a frequent recourse to their constituents, the people, is a certain and necessary check to bad measures and worse intentions—we require you to prosecute in the most vigorous manner a repeal of the Septennial Act, and to restore the salutary form of triennial Parliaments, as the principal means of recovering the rights and supporting the dignity of a free nation.” When Sir R. Walpole had to resign his place, and was sent to the Upper House as Earl of Orford, there were fresh instructions sent by many constituencies to their members. Those sent by the city of London to their representatives, one of

whom was Sir R. Godschall, their own Lord Mayor, contained this passage: "As they (the constituents) have now reason to hope for a change of measures as well as of men, they desire you will strongly promote all those salutary laws as are or shall be proposed in the House of Commons, such as the Place Bill, the Pension Bill, and the repeal of the Septennial Act, in order to restore the ancient freedom of our constitution and secure it against all future attempts, either of open or secret corruption or of any undue influence whatsoever." Edinburgh's instructions also urged the repeal of the Septennial Act. Oxfordshire "expected, from an independent majority in this Parliament, the repeal of the Septennial Act, an innovation as dangerous as this constitution ever suffered, . . . depriving the electors of approving a worthy choice or rejecting those who, from motives destructive of freedom, deviate from the principles that alone recommended them to their

constituents." The instructions sent to Sir W. Courtenay and Mr. Theophilus Fortescue, the members for Devonshire, have been preserved as a pattern of the rest. A prominent article in these instructions reads as follows:—"Restore triennial Parliaments, the best security of British liberty; use your utmost endeavours to limit the number of placemen in, and exclude pensioners from, the House of Commons." In one of the first debates in that session of Parliament, a greatly esteemed member of Parliament and eminent Tory of those days, Sir Watkin Williams Wynne, declared the Septennial Act to be a grievance. He granted that what the nation complained of as grievances were not declared to be such by Parliament, but this difference of opinion between Parliament and people was their greatest grievance. He attributed this to corruption, and maintained the necessity for a Triennial Bill.

The instructions from constituents were in-

deed a vehement protest against the prevalent corruption. But great as was that corruption, it could not prevail against the determination to make the protest. It is to be learned, from an allusion in a debate four years afterwards, that many attempts had been made, with the most trifling success, to get the people to sign different instructions to their members. In Parliament, however, the administration always continued too strong for the Reformers. The Lord Mayor of London in 1742 (Sir R. Godschall) responded to the feeling of his constituents by bringing in a bill to repeal the obnoxious Septennial Act, but the House of Commons decided against this proposal to curtail its own existence by 204 votes against 184. Pulteney is said to have opposed this motion on the plea that whereas the bill would restore triennial Parliaments, he was inclined to go further and to have annual elections ; as between a seven years' Parliament and a three years' one, he preferred the former.

This plea must have been convenient for many members in the House of Commons of that day, who were committed by previous votes on the subject, and for some who had actually joined in the repeal of the Triennial Act. To deprive the ministerialists of this plea, Mr. Carew, in 1745, brought forward a proposition in favour of annual Parliaments. Sir W. Yonge, who was secretary for war in the coalition ministry of the day—the Pelham, alias the Broadbottom, administration—stated the standing objections to the measure. It is noticeable that he admitted the inconvenience of a system under which people often had cause to repent of their choice before the term of seven years was at an end. This drawback, however, he urged, should be submitted to in order to avoid what he described as the more serious inconveniences of frequent elections and the fluctuation of public measures. A curious testimony to the corruption of the times is afforded by one argument

SHORT PARLIAMENTS.

used by this minister. He was endeavouring to account for what was then the new custom of country gentlemen leaving their seats and taking up residence in London, and his object was to show that the Septennial Act was not responsible for that. By too much hospitality in the country they might have run themselves into debt, and were seeking to retrench by living in retirement in London! There was a great increase in chancery suits. Perhaps gentlemen, once embarked in this tardy litigation, might as well bring their families up to town at once. But the principal reason assigned was that, as there was hardly any gentleman who was not a solicitor of place for himself and his friends or his relatives, a residence within easy reach of ministers was found convenient and desirable.*

* Speaker Onslow, who was a contemporary of Sir W. Yonge's, in one of his notes to Burnet's History, recommends to members of Parliament "closer attendance and shorter sessions ; a greater attention to the proper business of Parliament ; less haunting of courts and levees of

Notwithstanding that he was in office at this time, Sir John Philips gave his support to Mr. Carew's motion ; and, dealing with one of the current objections to the proposed measure, declared himself indifferent to the threatened consequence of frequent changes both of men and measures. The great point to him was that, "the measures would then be not the measures of this or that administration, but the measures of Great Britain." Considering the avowed

ministers ; not coming into Parliament as the introduction to preferments ; not bringing up their families, and having great houses in town, and villas near it, but returning to their home in the country as soon as the Parliament breaks up, and employing their fortunes in hospitality there ; and not ruining their estates in the luxury of all sorts of living in London, which is false grandeur for a country gentleman, and gives him no credit ; and so most of their ancestors thought even in times not far back, who, with as great property and character, did not disdain to come up to Parliament with few attendants, to live in lodgings, and eat at frugal ordinaries in company with one another. Their great tables were in the country and for the country."

strength of ministers in the corrupt Parliaments of these days, it is not a little remarkable that the majority against Mr. Carew was only 32, with 258 members voting. In the same year the popular demand for short Parliaments was formulated in an amendment to the address. The Government admitted that there was a demand for this and other measures, the rejection of which would excite the populace, and condemned the tactics of the Tories in introducing this subject, as tending to add to the difficulties of the Government at a period of peril. In 1758 a bill for the repeal of the Septennial Act, described by the Earl of Chesterfield as "a popular squib let off," was defeated on the first reading by 190 to 74 votes.


The name of Alderman SAWBRIDGE deserves to be written large in any account of the efforts of the people to recover short Parliaments. This worthy gentleman is said to have belonged to an old Kentish family, who had become

extremely jealous of arbitrary power since the days when one of them, who was a director of the South Sea Company, had been proceeded against by a bill of pains and penalties, and deprived of his estate. Civic distinction was in those days sought after and obtained by country gentlemen, and Mr. John Sawbridge became Sheriff of Middlesex in 1768. In that capacity he repeatedly returned John Wilkes as the duly elected member for Middlesex, notwithstanding the hostile resolutions of the House of Commons. Indeed, it was as one of John Wilkes' supporters that he, with his colleague in the shrievalty, Mr. Alderman Townshend, was elected to his high office. It is related in Stephen's life of Horne Tooke that Sawbridge actually sold an estate in order to support Wilkes in his battle with the House of Commons. Uncompromising as he was in politics, his character is represented as being of the most amiable type—a fact which astonished those

people who were accustomed to regard men of advanced political opinions as little short of criminal. In Beloe's "Sexagenarian" it is said he was "a perfect gentleman in his manners, and very little calculated to assimilate with those into whose political society his political enmities and prejudices introduced him." Junius bestowed praise upon him, said it was to be desired that there were many such men to represent the nation in Parliament, and added that he had "shown himself possessed of that republican firmness which the times require ; and by which an English gentleman may be as usefully and as honourably distinguished as any citizen of ancient Rome, of Athens, or Lacedæmon."

Sawbridge was elected Sheriff before he became Alderman, and he afterwards served as Lord Mayor. In Parliament we hear of him first as a member for Hythe, but he was chosen after the Wilkes disturbances to represent the

City, and he sat for London in three Parliaments. From the year 1771 onwards, for many years Alderman Sawbridge never failed to urge the House of Commons to repeal the Septennial Act, and a year earlier he distinguished himself in the debate on the petition and remonstrance of the city of London to the King. This was the forerunner of the still more celebrated remonstrance which is commemorated by the monument to Lord Mayor Beckford in the Guildhall. It complained of the violation of freedom of election, and, declaring that the House of Commons had ceased to represent the people, wound up with a prayer that the Parliament might be dissolved and ministers removed from office. In an exciting debate on the subject, the city authorities who had seats in Parliament, including the Lord Mayor and Mr. Sheriff Sawbridge, boasted, in the face of horror-stricken courtiers, of the share they had taken in this famous proceeding. Some idea of



the excitement then prevailing in the country—an excitement which was reviving with great force the demand for more frequent elections—is gained from the powerful language of Edmund Burke on this occasion. He, though ever an opponent of short Parliaments, objected to the motion for a copy of this petition and remonstrance, on the ground that the effect of adopting the motion would be “to cast a stigma on the chief city of the British empire.” “To censure the citizens for what nine-tenths of the whole empire considered as an act of the most exalted virtue, was to rouse the indignation of every honest subject in the extensive circuit of our dominions. It was to aggravate a fury and a discontent already too pregnant with danger, and to open a scene of horror that would not close, perhaps, but on the total overthrow of the constitution.” Mr. Sawbridge was also a vehement opponent of the American war. Although his name is most intimately associated with the

demand for short Parliaments, he zealously supported other proposals for Parliamentary reform ; and in 1784, when he himself brought forward a reform motion, he drew down upon himself the wrath of the younger Pitt for some outspoken criticisms on the changed attitude of that statesman on the popular questions of the day. In first introducing his measure for shortening Parliaments (1771), Alderman Sawbridge said his subject was the duration of Parliament, "of which the people universally complain." He called upon the House to repeal an Act, the reason for passing which no longer existed, and remarked that it was no feather in the cap of the reigning family that it had been supported by a sacrifice of the ancient constitution. As to the old objection that our foreign alliances would be prejudiced by the shifting of ministries, he pleaded that, on the contrary, frequent Parliaments would give us weight abroad, because the sense of the people

would be more surely known. The ministry of the day (Lord North's) did not vouchsafe to notice the motion, and it was defeated by a majority of 51, the "yeas" being 54, and the "noes" 105. The ministry was equally reticent in 1772, when Alderman Sawbridge boldly averred that the King himself had afforded the strongest argument in favour of his bill by his unfavourable answer to the petition of 60,000 electors of England for a dissolution of Parliament. This time the alderman was defeated by 251 to 83. In the following year the then Lord Mayor, Alderman James Townshend, who had been Sawbridge's colleague in the shrievalty, and who sat for Lord Shelburne's borough of Calne, urged his brother alderman to persevere annually with his motions for leave to bring in the bill for short Parliaments. Sheriff Oliver, another of the great city favourites of that day—he who was imprisoned in the Tower in connection with the affair of the printers, and

who ultimately retired from Parliament and from civic office in despair as to the political state of the country—vigorously supported his friend, Alderman Sawbridge. Among the many frequent sentences quoted in this volume regarding short Parliaments, this one of Sheriff Oliver's surely deserves a place :—"I think that human society cannot receive, nor human policy desire, a more lasting and efficacious security than real representatives of the people, assembled in a Parliament short in its duration and session, sovereign in its power of control, but stripped of every attribute of executive government." Alderman Sawbridge took the advice of his friend, the Lord Mayor of 1773, and regularly every session brought forward his motion, but always with the same discouraging result. Suspicion of the manner in which Parliaments were then elected was shown by his expressed fear in the new Parliament of 1775, that it would be no better than its predecessors, but would "prove

itself the true offspring of its imputed political father—the minister.” Wilkes, who was now sitting for Middlesex, put the question whether it was right that the constituents should have to wait seven years before having the power to deprive a member of the opportunity of abusing a trust which he might have proved unworthy of at the moment he began to sit in Parliament. In another year, a supporter of Sawbridge spoke of the frequent instructions given him by his constituents “to attempt in this instance a reform of the constitution,” and laid it down as a principle that “power could not revert too often to those to whom it belonged; for the more frequent the appeal made to them, the more entire will be their confidence.” As will presently be seen, the worthy alderman who so long fought this question was before the end of his career gratified by at least the temporary support of Fox and Pitt; and at one time, when the whole country, through corresponding

committees and associations, was demanding a reform of the kind he asked, he must have felt that, futile as immediate efforts were, he was the champion of a winning cause. Little could he have imagined that a hundred years would pass and that even then the Septennial Act, denounced in his days as "a state stratagem, a court trick to rob the people of their rights," would still be unrepealed.

Chatham, on the 1st of May, 1771, declared himself a convert to triennial Parliaments. He had been slow to join those who wished the Septennial Act repealed. The Common Council of London had imagined, from one or two speeches, that he was on the side of the short Parliament men a year before this important declaration was made, and had publicly thanked him for his zealous support of popular rights, and for a "declaration that his endeavours shall hereafter be used that Parliaments may be restored to their original purity by shorten-

ing their duration and introducing a more full and equal representation." This, they said, would render his name "more honoured by posterity than the memorable successes of the glorious war he conducted." Chatham, however, in his reply disclaimed the opinion attributed to him. He could not recommend triennial Parliaments as a remedy against "that canker in the constitution—venality in elections," but was ready to submit his opinion to better judgment if the wish for that measure should become prevalent in the kingdom. In Horne's (Tooke's) letter to Junius of July 31, 1771, it is made to appear that this was a design on the part of the City to commit Lord Chatham while in opposition to a distinct declaration in favour of short Parliaments. The amusing story is also told that Lord Mayor Beckford, in his endeavour to force stipulations in the public interest from the Chatham and Rockingham sections of the opposition, prepared

the heads of an engagement, to be signed by them at a "sumptuous entertainment at the Mansion House." Lord Rockingham and his friends, hearing of this, declined to make any engagement. The Lord Mayor, on his side, then "as flatly swore" that they should "eat none of his broth;" but one is led to infer, from the rest of Horne's narrative, that, after all, the entertainment was given and accepted without conditions. Horne said that by Chatham's answer to the City vote of thanks he gave up the people without gaining the friendship or cordial assistance of the Rockingham faction. In his reply to Horne's letter, however, Junius, whose warm attachment to Chatham is one of the points observed by those who identify him with Sir Philip Francis, pointed out that by that time the declaration of conversion had been publicly made. Junius, it may here be said, complained that the Society of the Supporters of the Bill of Rights, of which more

anon, had not given the shorter duration of Parliaments a more important place in their programme, as it was with him "the great condition which ought to be the *sine quâ non* of parliamentary qualification." "I am convinced," he wrote, "that if shortening the duration of Parliaments (which in effect is keeping the representative under the rod of the constituent) be not made the basis of our new Parliamentary jurisprudence, other checks or improvements signify nothing. . . . When the Septennial Act passed, the Legislature did what apparently and palpably they had no power to do, but they did more than what people in general were aware of; they, in effect, disfranchised the whole kingdom for four years." Chatham's conversion was undoubtedly hastened by the excitement in the City. The first symptoms of it appear in a letter to Lord Temple on the 17th of April, 1771, written when the gout had confined the Earl to his chair. In this he said,

“Allow a speculator in a great chair to add that a plan for more equal representation by additional knights of the shire seems highly reasonable, and to shorten the duration of the Parliaments not less so.” It was in moving an address to the King to dissolve Parliament, a proposition in which he had little support from his friends, that Chatham publicly proclaimed his adhesion to the short Parliament party. He denounced the misgovernment which had produced dissatisfaction alike in Great Britain, Ireland, and America, and had made Mr. Wilkes “a person of consequence in the State.” For the prevailing evils he prescribed dissolution as the only remedy, but had no hope of its complete efficacy. “Some stronger bulwark must be erected for the defence of the constitution. The Act for constituting septennial Parliaments must be repealed. Formerly the inconvenience attending short Parliaments had great weight with me ; but now we are not debating upon

a question of convenience. Our all is at stake. Our whole constitution is giving way, and therefore, with the most deliberate and solemn conviction, I declare myself a convert to triennial Parliaments." Thus Chatham's testimony, though tardily and reluctantly given, is borne to the grave inconvenience felt in his day through the repeal of the Triennial Act.

No more interesting personage comes into view in the course of investigations into the history of the demand for frequent elections than Charles Lennox, third Duke of Richmond. He was for some time in the army, and he was conspicuously brave at the battle of Minden, in 1759. In after life he held office under several administrations; but he distinguished himself by his early and decided opposition to the American war, and by his advocacy of radical reform. He was at that early date in favour of Catholic emancipation. Horace Walpole, though not sympathizing with his advanced

ideas, wrote his praise at times in his letters, and during the dissensions caused by Rockingham's death, spoke of the Duke's being for the moment traduced by both sides as no bad symptom of his virtue. How radical were his opinions is shown by the fact that in 1780 he introduced a bill into the House of Lords for universal suffrage, equal electoral districts, and annual Parliaments. The bill was rejected by his fellow Peers, but not before Lord Stormont, who was then a Secretary of State, had complimented him for the care and the political and constitutional knowledge displayed both in his speech and in his bill. The preamble cited the provisions of ancient statutes respecting annual Parliaments, and declared that frequent elections were indispensably necessary to enable the Commons to alter or amend the choice of their representatives as they might see occasion ; that such elections ought to be as frequent as may be consistent with the use of a representa-

tive body ; that the ancient practice of annual Parliaments was well calculated for the purpose above-mentioned, and that triennial and septennial Parliaments, by rendering the exercise of the right of election less frequent, tended to make the representatives less dependent on their constituents than they always ought to be, and deprived the Commons for many years after they came of age of their franchise of electing their own representatives. When the whole country was up in arms on this subject, and forming corresponding committees with a view to influence the Government by associated action, the Duke wrote to the Sussex Committee that the renovation of the rights of the people was the only remedy against the system of corruption which had brought the nation to disgrace and poverty, and, referring to prevalent differences of opinion as to the extent of the reform to be demanded, declared that he was not at liberty to speculate upon opinions. He

had no choice but to give every man his own. A remarkable and ably composed letter was written also by this duke to one of the leaders of the Irish Volunteers, who had taken up this question, and at a great meeting at Dunganannon on the 8th of September, 1783, passed resolutions declaring their present imperfect representation, and the long duration of their Parliaments as unconstitutional, and as intolerable grievances. The Duke of Richmond, in this letter to Lieut.-Col. Sharman, declared himself, "by many years' consideration of the subject, and by every day's experience, more and more convinced that the restoring the right of voting universally to every man not incapacitated by nature for want of reason or by law for the commission of crimes, together with annual elections, is the only reform that can be effectual and permanent." All less thorough proposals, he declared, had failed. His objection to Pitt's plan was—and the writer will be excused for

quoting more of this letter than is applicable to the immediate subject before him—that “it proceeds upon the same bad principle as the abuse it pretends to rectify. It is still partial and unequal. A vast majority of the community is still left unrepresented. Its most essential concerns, life, liberty, and property, continue in the absolute disposal of those whom they did not choose, and over whom they have no control. . . . But in the more liberal and great plan of universal representation, a clear and distinct principle at once appears that cannot lead us wrong. Not conveniency, but right. If it is not a maxim of our constitution that a British subject is to be governed only by laws to which he has consented only by himself or his representative, we should instantly abandon the error. But if it is the essential of freedom, founded on the eternal principles of justice and wisdom and our inalienable birthright, we should not hesitate in asserting it. Let us, then, but

determine to act on this broad principle of giving to every man his own, and we shall immediately get rid of all the perplexities to which the narrow notions of partiality and exclusion must ever be subject." In another portion of this letter he wrote: "I wish to see the executive part of Government revert to where the constitution has originally placed it in the hands of the Crown, to be carried on by its ministers, those ministers under the control of Parliament, and Parliament under the control of the people. I would not have Parliament made, as it clearly is, a party concerned in every act of State, whereby it becomes the executive for which it is not calculated, and loses its superintending and controlling power, which is the main end of its institution. For when the two Houses are previously pledged by addresses, votes, and resolutions, it becomes extremely difficult for them afterwards to censure in which they have been so

deeply engaged by acts of their own. . . . I must mention another advantage which ought to recommend the measures you are proposing to every friend of the internal peace of the United Kingdom, which is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavouring to redress themselves by mobs and tumults."

The violation of the rights of the electors of Middlesex, and afterwards the American war and the constantly increasing burden of taxation, gave a tremendous impulse to the demand for frequent elections. The origin of the modern public meeting is traced to the assemblies held to protest against the conduct of the House of Commons in regard to Wilkes. Organizations for the agitation of public questions sprang up also in those days, and what is now called the Caucus had its forerunners.

more than a hundred years ago. The Society of Supporters of the Bill of Rights was founded in 1769 by Horne Tooke and others, among whom were Wilkes, Sawbridge, Oliver, and James Townshend. It proposed to test all candidates for seats in Parliament by requiring them to sign a long list of engagements. The fourth on the list was, "You shall endeavour to restore annual Parliaments." It has already been stated that Junius objected that short Parliaments had not the first place in this list of promises to be exacted from members; but he also objected to annual Parliaments, his view being that elections should be triennial. It is interesting in the present day to note that one of the instructions given to candidates was, "You shall attend to the grievances of our fellow-subjects in Ireland, and second the complaints they may bring to the Throne." From this society there was a secession in consequence of a quarrel between Horne and Wilkes. Other

societies sprang up, and at different dates we hear of the Society for Constitutional Information, the Whig Club, the Friends of the People, the London Corresponding Society, and the Quintuple Alliance. Of the Society for Constitutional Information the Duke of Richmond was at one time chairman. One of its chief promoters was Major Cartwright, an enthusiastic reformer and a champion of annual Parliaments. The establishment of political correspondence committees was commenced at York on the 30th December, 1779. A meeting of the gentlemen, clergy, and freeholders of Yorkshire was held on that day. A petition to Parliament was adopted, in which complaint was made of the war, the accumulation of debt and taxes, and the decline of trade, manufactures, and land rents. The members of Parliament were asked to abolish sinecure places and unmerited pensions, and to object to all further grants of money till the abuses complained of

were amended. A committee was appointed to carry on the necessary correspondence for promoting the object of the petition, and to prepare the plan of an association on legal and constitutional grounds to support "the laudable reform, and such other measures as may conduce to restore the freedom of Parliament." The example of Yorkshire was followed in numerous counties of England, and, by-and-by, in Scotland and Ireland also. Influential corresponding committees were appointed. The Duke of Richmond convened the Sussex meeting, and was made a member of the committee for the county with Lord Egremont, Lord Abergavenny, Lord George Lennox, and others. The deputies from various counties engaged in this movement met in London, and agreed to recommend a union of the associations now established throughout the country, in the demand for economical reform, improved representation of the people, and shorter Parliaments. They

declared annual Parliaments to be the ancient constitution of England and the birthright of Englishmen. The programme was warmly taken up throughout the country, and most of the counties declared for short Parliaments. Unfortunately, however, there was a division of opinion on the question whether Parliaments should be annual or triennial. The York committee declared for Parliaments *not exceeding three years* in duration. The example was followed in Kent, Somerset, Essex, Berks, and other counties. Granville Sharp issued a circular letter to the petitioning counties, as they were called, against the proposition for triennial and in favour of annual Parliaments. He feared that for the sake of a show of unanimity, and out of a desire to conciliate the support of influential freeholders—who, as we gather from other sources, were alarmed at the Duke of Richmond's proposals for reform—they might follow the example of York. He pronounced

the promoters of the triennial scheme the first declared offenders against the unanimity which the conference of deputies was intended to promote, and urged his readers never to forget that they had already been betrayed by a triennial Parliament. Some counties, in their petitions to Parliament, mentioned no limit, but contented themselves with calling for the shortening of Parliaments. Other counties and the City of London unhesitatingly adopted the demand for annual Parliaments.

Charles James Fox took an active part in this movement. He was chairman of a meeting in the King's Arms Tavern on March 20th, 1780, at which a report of a sub-committee, presided over by Sheridan, was read in favour of annual Parliaments, and at which a resolution was passed declaring septennial Parliaments to be subversive of the constitution and a violation on the part of the representatives of a sacred trust reposed in them by their constituents.

When, in this year, Sawbridge brought on his annual motion, Fox, after stating that he had for years voted against the bill for shortening Parliaments, now declared his intention to vote for it. He believed the action of those who passed the Septennial Act to be justifiable, but recognizing that the people of England called for the shortening of the duration of Parliament, he held himself bound to comply with their requisition. Horace Walpole was alarmed at the progress of the petitioning associations, and was not complimentary to Fox. Walpole objected to alterations of the constitution, and wrote to Horace Mann concerning the propositions then made—"Lord Shelburne and Charles Fox push them impetuously, though at first both opposed them, but the first *will* stick at nothing to gratify his ambition, and the latter *must* stick at nothing, so desperate is his situation." But two years afterwards, when Fox was in office, and was

challenged during the debate on Sawbridge's annual motion to say why he had not been present at one of the Westminster meetings as on former occasions, it is recorded that he spoke for an hour in support of the question before the House. He said he was certain this reform was the wish of the people, and was a measure they would have.

William Pitt, in 1782, gave his adhesion to the supporters of Sawbridge's motion, and the people for a time were in great hopes that from him and Lord Shelburne, whom they had publicly thanked for bold declarations in their cause, the rights demanded would be received. But the lesson they learned was that they must not put their trust in ministers. In 1792 the nation was practically unrepresented in Parliament ; the revolutionary proceedings in France strengthened the hands of opponents of reform ; Mr. Grey's motion for the reform of the representation was opposed by Mr. Pitt ; and the

popular societies were roused to indignation by a royal proclamation against seditious writings. On behalf of one of the societies whose members considered themselves threatened by this proclamation—"The Friends of the People"—Mr. (afterwards Lord) Grey warmly attacked the proclamation, and, with a severity which would hardly be possible in present-day debates, denounced the conduct of Pitt. If there was a man in the House who delighted more in sinister practices than Pitt, Mr. Grey had never heard of him. The minister's life had been a tissue of inconsistencies. Never had he kept his word with the public. He had studied the arts of captivating popularity without ever intending to deserve it. He had contemptuously postponed the dearest rights and privileges of the people. He was a complete public apostate. The minister's defence was first undertaken by Mr. Secretary Dundas. At the end of the American War, he said, the clamour

for reform had come from such a variety of quarters that Pitt had been one of those who, thinking it was the general opinion of the people, had been a good deal staggered upon the subject. His right honourable friend was then young and engaged to no party. But he clearly saw that the present was not a time for a wise and prudent man to agitate the question of reform. Fox sarcastically observed that Pitt might be thought to have a patent for retraction and a monopoly of change. Then Pitt entered into his own defence, of which, from such record of it as is preserved, the main point was conveyed in his question whether, in the then state of affairs, there was not serious cause of alarm. Grey, Fox, Lauderdale, and Lansdowne were the defenders of the popular societies in this debate. Richmond, the champion of manhood suffrage and annual Parliaments, had at last gone over to the enemy. A portion of his letter to Colonel Sharman was quoted in the debate ; and between

him and the Earl of Lauderdale, who charged him with apostasy, and spoke of his being appointed to the camp at Bagshot to overawe the people of the metropolis, and to destroy their endeavours to obtain reform, the dispute grew so warm that a challenge passed to the Duke. The duel, however, was avoided. In the debate the Duke pleaded the difference of the times for his change of views, and maintained that the people now did not wish for reform. Bitter resentment was felt at the desertion of the popular cause by ministers, some of whom had actually directed the counsels of the societies which Government found to be inconvenient, and the Society for Constitutional Information took care to publish the earlier opinions of the ministers. The Friends of the People had themselves had experience of the suspicions that the conduct of public men had aroused. Their chairman was Lord John Russell, father of the earl whom we of the present generation once

knew by the same name, and a number of members of Parliament were members. The Constitutional Society, in offering the Friends of the People congratulations on their establishment, warned them that should members of Parliament on this occasion prove faithfully instrumental in effecting a substantial reform in the representation of the people and the duration of Parliaments, it would be the first time the nation had not found itself in error in trusting their professions as reformers.

Burke was conspicuous among the public men of his day for a consistent opposition to short Parliaments. He, while firmly maintaining that government ought to be according to the sense and in conformity with the interests of the nation, was greatly impressed with the evils of popular election. He believed it was necessary, in the interests of the State, to prevent a too frequent repetition of elections. He persuaded himself that triennial Parliaments had nearly ruined the

State. He liked the Septennial Act, because he regarded it as having saved the State. He feared a recurrence to short Parliaments "would make the member more shamelessly and shockingly corrupt ; would increase his dependence on those who could best support him at his elections ; rack and tear to pieces the fortunes of those who sat upon their own fortunes and their private interest ; make electors infinitely more venal ; and make the whole body of people, who are, whether they be voters or not, concerned in elections more lawless, more idle, more debauched. It would utterly destroy the sobriety, the industry, the integrity, the simplicity of all the people, and undermine, he was much afraid, the deepest and best-laid foundations of the commonwealth." *

* "Parliamentary Debate on Sawbridge's Motion," 1780.

CHAPTER VII.

THE PAST DEMAND AND PRESENT NEED.

DOWN to the middle of the present century, the demand for short Parliaments was continually pressed. Its comparatively recent subsidence has been due to the preoccupation of the public mind with questions which, since the passing of the Reform Acts, have seemed of more immediate importance. The point is now raised whether its revival is not necessary to complete the work of reform.

In the history of the early reform agitations of the present century, the call for short Parliaments is heard contemporaneously with that for

an extended franchise. The programme of the third Duke of Richmond was taken up by William Cobbett, and in his *Weekly Political Register* annual Parliaments and universal suffrage were advocated. The shortening of Parliaments was recommended to Parliament by men who were then far more influential. Mr. Brand, in his Reform motion of 1810, advocated triennial Parliaments, and was supported by Mr. S. Whitbread. Sir Frances Burdett, in 1817, took up the cause in the House of Commons, and in a motion for a committee on reform expressed surprise that annual Parliaments should be thought wild and visionary instead of constitutional. Sir S. Romilly, though opposing annual Parliaments, was in favour of the repeal of the Septennial Act. A motion was made by Sir R. Heron, in 1818, for its repeal. It had the support of Romilly and also of Brougham. It was seconded by Lord Folkestone, and its supporters in the division lobby included Lord Althorp, Sir

F. Burdett, Mr. Brand, Lord Cochrane, Mr. C. S. Lefevre, Sir J. Mackintosh, Sir H. Parnell, Sir M. W. Ridley, Lord Sefton, Lord Stanley, the Marquis of Tavistock, and Mr. Tierney. A bill brought in by Mr. Lambton, member for Durham, in 1821, contained a clause for triennial Parliaments. Among its supporters were Whitbread, Ricardo, Mackintosh, Scarlett, Lord F. Bentinck, and Lord Nugent. It was only thrown out by a majority of twelve. "Orator" Hunt was one of the leaders of an outdoor movement for short Parliaments and other reforms. On the banners of the people at Peterloo were the devices "Annual Parliaments," "Universal Suffrage," "Vote by Ballot."* O'Connell bracketted triennial Parliaments, vote by ballot, and universal suffrage in one bill, which he failed to carry in 1830. In the election previous to the Reform Bill of 1831, "triennial Parliaments" was one of the election cries. When

* "Molesworth's History," 1830-74.

the bill was brought in without a clause for this reform, disappointment found expression even amid the general joy at the proposed suffrage extension. Mr. Hume, "Orator" Hunt, and Mr. O'Connell gave utterance to this feeling of dissatisfaction in Parliament. It has been stated that the opposition of the King was the cause of the omission. In the first session of the reformed Parliament the question was again raised. Mr. Tennyson, member for Lambeth, moved to bring in a bill for shortening the duration of Parliaments. Mr. Hume seconded the motion, and called upon his fellow-members not to show themselves regardless of public opinion in this matter. Lord Althorp, now Chancellor of the Exchequer, withdrew the support he had formerly given to such proposals, and met the motion with the previous question, his pleas being that it was undesirable to enter on a second edition of the Reform Bill at that time of the session (23rd July), and that

to limit Parliament to three years would "derange the fixity and steady march of public affairs." Mr. Cobbett sturdily maintained his opinion in favour of annual Parliaments; Sir E. Coslington suggested a five years' Parliament. Lord John Russell, who had in 1831 declared that ministers, in omitting to shorten Parliaments by their reform proposals, left the question open, now showed that the question was closed for him. Short Parliaments, he maintained, would be destructive of the mixed constitution of the country. The Crown, as a balance to the power of democracy, should have the power of choosing a time of dissolution when the opinions of the people appeared to be firm and settled, whereas short Parliaments would practically deprive it of this choice, and members of Parliament would be made dependent, not on the settled opinion of the people, but on their transient and temporary impulses. They would be "so liable to misapprehensions, false

representations, and unfounded colourings of their motives and votes, that he believed a House of Commons, living in such perpetual dread of misapprehensions, and such misapprehensions men would not be wanting to create, could not co-exist with a monarchy." In the same speech, however, Lord John made the declaration, though in another year he retracted it, that had the constitution not already been formed he would have probably preferred five to seven years as the period of Parliament's duration. To Lord John Russell's arguments Mr. Sheil replied that a long Parliament had overthrown monarchy, and that short Parliaments co-existed with monarchy from 1694 to 1716, that Lord John had been a party to a famous appeal to the people in a time of great excitement, and had once deliberately declared his opinion that "the whisper of a faction must be unavailing against the voice of a nation," and that when he once declared this question open he could

not have considered it as a question filled with danger to the constitution. "The noble lord said, 'This power is great, therefore it must last seven years'; he (Mr. Sheil) said, 'This power is great, therefore let it be short-lived.' The noble lord said, 'The trust is vast;' and he (Mr. Sheil) said, 'Let the trustee, then, go the more frequently to the *cestui que trust*, and let him the more speedily pass his accounts.'"

O'Connell was among those who supported the motion, and Major Beauchamp declared that the reformed Parliament had greatly disappointed the people. "They had passed a severe coercive measure against the people of Ireland, but they had omitted to retrench expenditure or to remove the pressure of taxation. It was necessary, therefore, to have triennial Parliaments in order to have an effectual check by the people on their representatives. The motion for repeal was rejected by 213 to 164. On the question being again introduced by the member for Lam-

beth, in 1834, the debate was characterized by a somewhat amusing diversity of opinion as to the proper period of duration of Parliaments. One, three, four, five, and six years were desired, but as usual the vote in the end was against curtailing the life of the existing assembly. The necessity of giving the reforms already granted a fair trial was urged by anti-reformers as a bar to legislation of this character. Hume again supported a repeal motion in 1837. Lord J. Russell, in opposing it, admitted that the House had acquired great weight and power in consequence of the Septennial Act, and pleaded that the change would endanger the stability of Government. It was pointed out in this debate that the popular Sir Frances Burdett, who had by this time deserted the Liberal party, was pledging himself even as a candidate in the Tory interest to annual Parliaments, universal suffrage, and vote by ballot. The member for Finsbury (Mr. Wakley) said he would resign at the end

of three years, in accordance with a promise to his constituents. Mr. Roebuck declared for triennial Parliaments. With these, he held that we should not be subjected to the instability that arose from the demise of the Crown, or the going out or coming in of ministers. On this occasion the majority against the proposal was only nine. Leave to introduce a bill was refused to Mr. Crawford in 1843. In 1849 Lord Dudley Stuart, who seconded Mr. Tennyson D'Eyncourt's motion for leave to introduce a bill, accused Lord John Russell of having boxed the compass on this question. Lord John Russell's arguments against the bill on this occasion were, that much time would be lost by the inexperience of new members and by the unnecessary prolongation of debates ; that in the third year of Parliament there would be a disposition to decide upon any question which might have an immediate effect upon a general election ; that since the passing of the Reform Bill public opinion

had fully as much influence as it ought to have on the votes and transactions of the members of the House ; and that in shorter Parliaments members would be found sacrificing their own opinions, and deferring to what might only be a temporary and transient opposition among the electors sending them to Parliament. On this exposition of Lord J. Russell's views, Mr. Sharman Crawford wanted to know whether that House was the representative of the people. If that was the constitution, the House ought to be under the control of the people. But the people complained that the House did not fairly represent their wishes and feelings, and that one of the causes why it did not was the long duration of Parliament. On this occasion leave was obtained to bring in the bill by forty-six votes against forty-one. The bill, however, made no further progress.

The inclusion of annual Parliaments in the programme of the Chartists gave that body no

little strength. It was on the failure of Mr. Duncombe, member for Finsbury, to get proper support to an amendment to the address in 1838, in favour of short Parliaments and the ballot, that the movement was established. Mr. Hume several times took the opinion of Parliament on a proposal for short Parliaments among other reforms. On one of these occasions Mr. Disraeli said (June 20th, 1848), "I am the less inclined to say anything against triennial Parliaments because they are part of those old Tory principles which I have ever taken every opportunity of promulgating. Are they not? Did not Sir William Wyndham advocate triennial Parliaments against a corrupt minister? They are a portion of that old Tory creed around which I am happy to observe more than one indication the people of this country are well inclined to rally. The only objection to the change is that it is a change, and that in the present position of affairs all unnecessary changes of this kind


are to be deprecated." In 1852 Mr. Bright, who with Mr. Cobden had supported Mr. Tennyson D'Eyncourt's bill in 1849, expressed a desire to see Parliaments shortened. He found members suffering under an intense feeling of responsibility just before the dissolution. He said he should like that feeling of responsibility to be spread over the whole period of Parliament.

As stated in the introductory chapter, the sense of inconvenience from the Septennial Act has recently slumbered. There was a temporary and partial awakening towards the end of the Beaconsfield administration, when (February 24th, 1880) Mr. J. Holms made a motion in favour of quinquennial Parliaments. This had the support of Mr. John Bright.* Among the

* Mr. Bright, in reply to a question recently addressed to him, has thus stated his opinion :—" I think the duration of Parliaments too long, and that three, four, or five years would be better than seven years ; what would be best it is not easy to say or to demonstrate. I may observe, however, that with a more complete and equal

present colleagues of Mr. Holms, in the Gladstone administration, Sir C. Dilke, Mr. Fawcett, Mr. Trevelyan, and Mr. Campbell-Bannerman voted with him. The debate took place in a thin House, at a time when there was not the remotest prospect of success ; the leaders on both sides were absent ; neither at least voted or spoke. By a vote of 110 as against 50 the motion was rejected, and an amendment by Col. Alexander, declaring that the Septennial Act had been satisfactory in its operation and ought not to be repealed, was then allowed to pass without further division. But what are the inferences to be drawn from the diminished popularity of the cry for short Parliaments ? Has the inconvenience of the Septennial Act really ceased ? Can it be considered that the claim to repeal the Septennial Act has been deliberately

representation of our population, the duration of Parliaments is not of so great importance as was formerly the case ; but I think seven years is too long."



abandoned? Is it desirable that our Parliaments should continue to be septennial? The recent course of public affairs would seem to point to a contrary conclusion. Sir T. Erskine May, some years ago, attributed the decline of the popularity of this question not so much to any theoretical preference for septennial Parliaments as to a conviction that the House of Commons had become accountable to the people and prompt in responding to their reasonable desires. It is true that the House of Commons has become much more accountable to the people than formerly. This is greatly owing, of course, to the reforms in the representation of the people; but their success in obtaining these reforms, and in keeping members of Parliament under a livelier sense of responsibility to their constituents, has not been due to the perfection of their Parliamentary institutions, but to the power they have wielded through the press, and to the other facilities which an advanced

civilization has given them of bringing their opinion speedily and forcibly to bear upon their members. Finding themselves possessed of a certain measure of that political power, the restoration of which had been so long denied to them, the people have naturally sought in the first place to wield it to the best advantage in the remedy of immediate grievances. Much, however, as they have accomplished, they will probably differ from the opinion of Sir T. Erskine May that Parliament is prompt in responding to their reasonable desires. It is not improbable that the events of the past few years may have caused Sir T. Erskine May himself to modify that opinion. At election times the people seem to gain by the competition of political parties ; pledges are exacted from every candidate, and the national will seems about to be accomplished. When the Parliament meets the fulfilment of the election promises is intolerably slow. In the early years of a new Parliament, the

Opposition have nothing either to hope or to fear from the constituencies. They may, therefore, give way to the temptation to avenge themselves for their defeat by delaying measures and endeavouring to discredit the Government in whom the confidence of the country has, as they think, been misplaced. In the later years of the Parliament the Opposition find a new and not unjustifiable excuse for thwarting the policy of the day. Owing to the rapid march of events in modern times, new questions have arisen which the constituencies could not have contemplated at the date of the election. The Opposition declare that the Parliament is not truly representative, and upon this plea obstruction itself might be fairly defended. Shorter Parliaments, if made short enough, would probably kill obstruction by depriving those who practise it of any excuse, and rendering them obnoxious to an indignant country. Long Parliaments supply a motive for obstruction which no rules will easily overcome.

It may be urged that public opinion, vigorously brought to bear upon Parliament, may keep an administration in check, break up a ministry, or force a dissolution. But the emergency must be great indeed before demonstrations so convincing are called forth; and in ordinary times much good business may be hindered, or much bad business done, in the name of a public opinion, the extent of which has been erroneously estimated. Besides, valuable as are the ordinary means of bringing public opinion to bear on Parliament and upon Government, it would be perilous to suffer the existence of such means to be used as an argument against a constitutional right, or to allow that the opinion of the country may be taken in any other than the constitutional way, *i.e.* through the Parliamentary representatives of the people, chosen so frequently as to ensure that they shall be really representative. Some members of Parliament complain that parties

are too much consolidated under the Septennial Act. The fear of a dissolution—occasionally the threat of one—will prevent the play of free and independent opinion round ministerial measures. A member has too often to choose between an absolute allegiance to a ministry and the risk of putting in its place, perhaps for seven years, men in whom he thinks no confidence can be placed. Until Parliaments are so short as to make the fear of a dissolution count almost for nothing in a member's determination how he shall vote, the ministry of the day will be without that efficient control which the country is entitled to exercise over it. In 1874 and in 1880, Parliaments dissolved before the expiry of the septennial period were proved, by the results of a general election, to have outrun their day of popular representation. How long they had ceased to be representative cannot be determined; but it was felt by the opponents of the Beaconsfield administration, that it was possible for a

Parliament to be out of full accord with the people for a dangerously long time. Every opposition naturally begins to hold a similar view regarding any Parliament that has lasted more than two or three sessions. Why, then, is so little heard regarding the repeal of the Septennial Act? One obvious reason is that this reform would affect both parties. From party men, therefore, leaders are not likely spontaneously to spring. Another reason is that the public attention is generally too much absorbed in the effort to obtain redress of immediate grievances to hark back to constitutional questions ; and we are not forced in the same painful way as the reformers of last century were to realize the connection between many grievances and the loss of the constitutional safeguard against them. Still, there is a growing sense of the inefficiency of the present parliamentary machine to pass legislative measures, to control expenditure, and generally to respond

in a prompt way to the wishes of the people. Those who are perfectly satisfied with affairs as they are, who have not yet freely accepted the English constitutional maxim that what concerns all should be approved by all, who do not trust the people, but believe only in government by sovereigns and statesmen, may rest content with possible six or seven years' Parliaments. Those who think reforms are still needed and that reforms should come faster, may ere long be found to complain of what Junius described as "a disfranchisement for four years of the whole kingdom."

The old objections to short Parliaments have lost their weight. Hallam appears to defend the right of the Parliament of George I. to prolong its existence; but the judicial mind of this historian generally examined a question all round, and it is interesting to note what he said regarding one serious objection to which "as a question of constitutional expediency" he

thought the Septennial Bill was open. "If the period of its (the Parliament's) continuance should thus be extended from three to seven years, the natural course of encroachment of those in power, on some momentous circumstances like the present, might lead to fresh prolongations and gradually to an entire repeal of what had been thought so important a safeguard of its purity." "Time," adds the historian, "has happily put an end to apprehensions which are not on that account to be reckoned unreasonable." The question now arising, of course, is whether time has not again revived other apprehensions which are equally "not unreasonable." Both Macaulay and Hallam opposed the curtailment of our Parliaments because of the election scandals of their times. Such arguments have had their force taken out of them by subsequent legislation, by reforms in the representation, by a gigantic advance in the direction of purity of election, and by the

ballot. They now kick the beam when weighed in the scale with the reasons then urged for returning to short Parliaments. It was objected in the debate of 1880, that with very short Parliaments a minister would be practically deprived of his right to choose a quiet time for dissolution, and that new members of Parliament would not have time to learn even the forms of the House before they would have to go back to their constituents. To this the advocate of short Parliaments may answer that dissolutions have often taken place in more agitated times than we should be likely to have with a contented people whose increased electoral powers would render recourse to clamour and disorder for ever unnecessary. As for the forms of the House, they may be simplified, or they may be studied in advance by all candidates for parliamentary honours. This point was considered a hundred and eighty years ago, in a pamphlet which will be found in "State Tracts

during the Reign of William III.” The writer, who was in favour of annual Parliaments, said, “When the same Parliaments are continued upon us, we are put upon the unreasonable task of prophetically choosing men fit to represent us amidst the unforeseen and unexpected accidents and affairs which may fall in so long as the prince and minister think fit to continue the Parliament then summoned. Besides, when the business of the nation has been as it were monopolized for many years, then whensoever we have the opportunity of electing a new Parliament, we are put upon the same necessity of choosing a knave skilful in the rules of the House of parliamentary laws, as we are sometimes in private matters of chusing one that is expert in pleadings and the methods of the common law, though we are not satisfy’d of his moral honesty ; whereas if everybody had their turn in a little time all the principal freeholders would be instructed and directed in the interest

of their country." This writer also happily urged in favour of short Parliaments, that they "removed grievances before they got to such a height as to pinch the people hard and occasion such loud and unmannerly complaints as have many times obliged princes, from a mistaken point of honour, to refuse their redress." To urge that through short Parliaments continuity in foreign and domestic policy may be destroyed is to revive the arguments of Walpole and of Lord J. Russell. But more than a hundred years ago the elder Pitt's complaint that what was done one day was upset the next, shows that even septennial Parliaments are not free from this reproach. The policy adopted under short Parliaments would be more unmistakably the country's policy, and probably less liable to change than that carried out by any party who may now dominate the country for six or seven years. Again, if continuity be rightly broken, no harm but good is done; if it be

harmfully broken, why should the country have seven years to wait before the error can be retrieved? Our foreign policy must, with short Parliaments, be more open. The disadvantages of this would probably be far outweighed by the gain. Already an open policy is being practically forced upon our ministers, whose hands must be strengthened in all negotiation by the knowledge that they are unmistakably backed by the country. A fear has been expressed, that under short Parliaments too much power would be thrown into the hands of permanent officials. To counteract that evil, should it arise, and also to obviate any other disadvantage which might seemingly be incurred by a full restoration of popular rights, other measures would certainly be devised. Short Parliaments will bring with any inconveniences their own compensations; it will be in the power of the constituencies, by the frequent recurrence of their electoral right, to

secure the rapid removal of any abuse which may manifest itself. With power reverting to them at short intervals, the people may be trusted to take care of their own interests, and also, as may be added in answer to another objection, to take care that elections are simplified and made as inexpensive as possible. Some will have it that politics now require special study, and that honours of too short duration will not be sufficient to draw men into political life. Every voter has public responsibilities, and, under a system which brought these more frequently home to him, would be taught to regard politics as his special study, to recognize his immediate concern in the business of the State, and to send up from among his neighbours the most fitting representative of his views. The nation's business is his business, and that men should busy themselves with political agitation, as it is termed, is under our constitution surely no re-

proach. The exploitations of "carpet baggers" might under such a system be stopped, but, as in olden times, the members sent up would belong to the electing community, and would be able from personal knowledge fairly to represent the sense of the constituency from which they came. If Parliaments were short enough, representatives might even be sent up with special qualifications for the subjects likely to come before the current parliament. The expense of elections, as already suggested, would be lessened as the result of their frequency; and corruption would become such an expensive game that no Corrupt Practices Bill would ever be necessary. It is assumed that, sooner or later, the old Parliamentary practice of paying the expenses of members would have to be reverted to.

But finally arises the question, What should be the duration of Parliament? Unless some scheme (and it is hard to conceive one that would be workable in our constitution) could

be adopted to secure that the Parliament, like our town councils, should be a standing institution, with a proportion of its members annually retiring, Parliaments cannot in theory be too short. But to the ancient and constitutional annual Parliaments many technical objections are sure to be urged which it would be difficult to persuade people to try to overcome. In these circumstances, one naturally reverts to the claim of the Bill of Rights, and the Triennial Act compromise arrived at some years after. And if annual Parliaments are still to be put aside as visionary and absurd, the history of the Act of 1716 may at least be recalled, attention may be paid to the special and temporary reasons urged for the repeal of the Triennial Act, curiosity may be roused as to the continuance of the Septennial Act on the Statute Book, and sympathy may be found for the question put at the end of this volume, as it was put at the beginning—Why should our *Parliaments* be septennial?

APPENDIX.



A.

A FULLER quotation from Green's "Short History," sect. iii. chap. vi., on the despotic and corrupt character of the New Monarchy may be interesting. "The result of the narrowing of the franchise and of the tampering with elections was now felt in the political insignificance of the Lower House. Reduced by these measures to a virtual dependence on the baronage, it fell with the fall of the class to which it looked for guidance and support. And while its rival forces disappeared, the Monarchy stood ready to take their place. Not only, indeed, were the churchman, the squire, and the burgess powerless to vindicate liberty against the Crown, but the very interests of self-preservation led them at this moment to lay freedom at its feet. The Church still trembled at the progress of heresy; the close corporations of the towns needed protection for their privileges; the landowner shared with the trader a profound horror of the war and disorder which they had witnessed, and an almost reckless desire to entrust the Crown with any

power which would prevent its return. But, above all, the landed and moneyed classes clung passionately to the Monarchy, as the one great force left which could save them from social revolt. The rising of the Commons of Kent shows that the troubles against which the Statutes of Labourers had been directed, still remained as a formidable source of discontent. The great change in the character of agriculture, indeed, which we have before described, the throwing together of the smaller holdings, the diminution of tillage, the increase of pasture lands, had tended largely to swell the numbers and turbulence of the floating labour class. The riots against 'enclosures,' of which we first hear in the time of Henry VI., and which became a constant feature of the Tudor period, are indications not only of a constant strife going on in every quarter between the landowner and the smaller peasant class, but of a mass of social discontent which was constantly seeking an outlet in violence and revolution. And at this moment the break-up of the military households of the nobles by the attainders and confiscations of the Wars of the Roses, as well as by the Statute of Liveries which followed them, added a new element of violence and disorder to the seething mass. It is this social danger which lies at the root of the Tudor despotism. For the proprietary classes, the repression of the poor was a question of life and death. The landowner and the merchant were ready, as they have been ready in all ages of the world, to surrender freedom into the hands of one power which could preserve them from what they deemed to be anarchy. It was to the selfish panic of the

wealthier landowners that England owed the Statutes of Labourers, with their terrible heritage of a pauper class. It was to the selfish panic of both the landowner and the merchant that she owed the despotism of the New Monarchy."

B.

IN the sketch "The Family of Swift," written by the Dean himself as an introduction to his life, and published by his uncle, Deane Swift, occurs the following passage :—A bill was brought into the House of Commons for triennial Parliaments, against which the King—who was a stranger to our constitution—was very averse, by the advice of some weak people, who persuaded the Earl of Portland that King Charles I. lost his crown and life by consenting to pass such a bill. The Earl, who was a weak man, came down to Moor Park, by his Majesty's orders, to have Sir William Temple's advice, who said much to show him the mistake. But he continued still to advise the King against passing the bill, whereupon Mr. Swift was sent to Kensington with the whole account of the matter in writing, to convince the King and the Earl how ill they were informed. He told the Earl, to whom he was referred by his Majesty (and gave it in writing), that the ruin of King Charles I. was not owing to his passing the Triennial Bill, which did not hinder him from dissolving any Parliament, but to the passing of another bill, which put it out of his power to dissolve the Parliament then in being without the consent of the House. Mr. Swift, who

was well versed in English history, although he was then not twenty-one years old, gave the king a short account of the matter, but a more large one to the Earl of Portland ; but all in vain, for the King by ill advisers was prevailed upon to refuse passing the bill. This was the first time that Mr. Swift had any converse with courts, and he told his friends it was the first incident that helped to cure him of his vanity. The consequence of this wrong step in his Majesty was very unhappy, for it put the prince under the necessity of introducing these people called Whigs into power and employment in order to pacify them. For although it be held a part of the king's prerogative to refuse passing a bill, yet the learned in the law think otherwise from that expression used at the coronation, wherein the prince obligeth himself to consent to all laws *quas vulgus elegerit*.

In 1721 Swift wrote to Pope—"As to Parliaments, I adored the wisdom of that Gothic institution which made them annual, and I was confident our liberties could never be placed upon a firm foundation until that ancient law were restored among us. For who sees not that while such assemblies are permitted to have a longer duration, there groweth up a commerce of corruption between the ministry and the deputies . . . which traffic would neither answer the design nor expense if Parliaments met once a year."

C.

REASONS OF THE DISSENTIENT LORDS AGAINST
THE SEPTENNIAL ACT.

I. BECAUSE we conceive that frequent and new Parliaments are required by the fundamental constitution of the kingdom, and the practice thereof for many ages (which manifestly appears by our records) is a sufficient evidence and proof of this constitution.

II. Because it is agreed that the House of Commons must be chosen by the people, and when so chosen they are truly the representatives of the people, which they cannot be so properly said to be when continued for a longer time than that for which they were chosen ; for, after that time, they are chosen by the Parliament and not by the people, who are thereby deprived of the only remedy which they have against those who either do not understand or through corruption do wilfully betray the trust reposed in them ; which remedy is to chuse better men in their places.

III. Because the reasons given for this bill, we conceive, were not sufficient to induce us to pass it, in subversion of so essential a part of our constitution.

I. For as to the argument, That this will encourage the Princes and States of Europe to enter into alliances with us, we have not heard any one minister assert that any one Prince or State has asked, or so much as insinuated, that they wished such an alteration. Nor is it reasonable to imagine it, for it cannot be expected that

any Prince or State can rely upon a people to defend their liberties and interests, who shall be thought to have given up so great a part of their own ; nor can it be prudent for them to wish such an experiment to be made, after the experience that Europe has had of the great things this nation has done for them under the constitution which is to be altered by this bill. But, on the other hand, they may be deterred from entering into measures with us, when they shall be informed, by the preamble of this bill, that the popish faction is so dangerous as that it may be destructive to the peace and security of the Government, and may apprehend from this bill that the Government is so weak as to want so extraordinary a provision for its safety ; which seems to imply that the gentlemen of Britain are not to be trusted or relied upon, and that the good affections of the people are restrained to so small a number as that of which the present House of Commons consists.

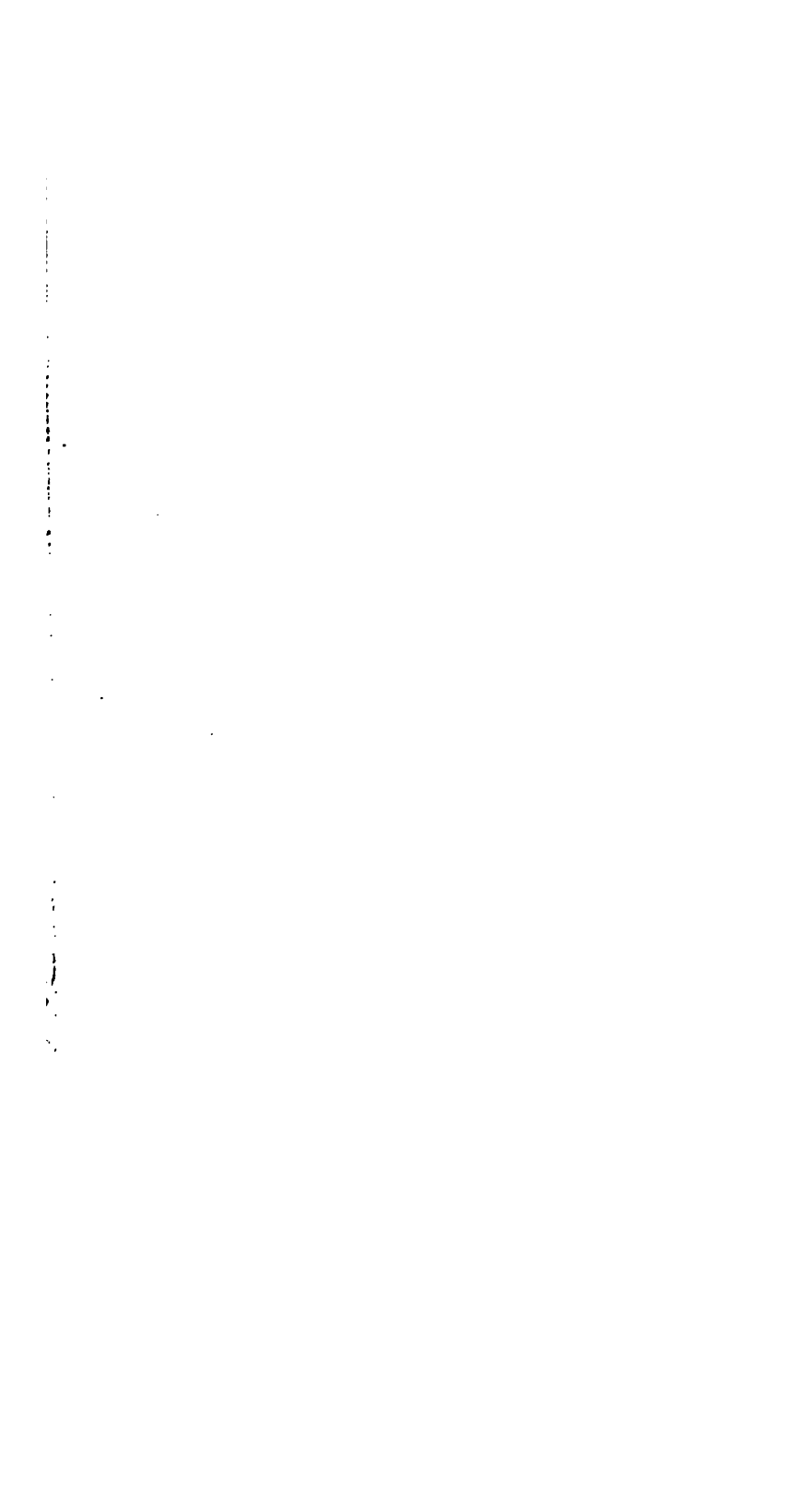
2. We conceive that this bill is so far from preventing expenses and corruptions that it will rather increase them ; for the longer a Parliament is to last, the more valuable to be purchased is a station in it, and greater also is the danger of corrupting the members of it ; for if ever there should be a ministry who shall want a Parliament to screen them from the just resentment of the people, or from a discovery of their ill-practices to the King, who cannot otherwise, or so truly be informed of them as by a free Parliament, it is so much the interest of such a ministry to influence the elections (which, by their authority and the disposal of the publick money, they of

all others have the best means of doing), that 'tis to be feared they will be tempted, and not fail to make use of them ; and even when the members are chosen, they have a greater opportunity of inducing very many to comply with them than they could have if not only the sessions of Parliament, but the Parliament itself, were reduced to the ancient and primitive constitution and practice of frequent and new Parliaments ; for as a good ministry will neither practice nor need corruption, so it cannot be any Lord's intention to provide for the security of a bad one.

IV. We conceive that whatever reasons may induce the Lords to pass this bill to continue this Parliament for seven years, will at least be as strong, and may by the conduct of the ministry be made much stronger before the end of seven years, for continuing it still longer, and even to perpetuate it ; which would be an express and absolute subversion of the third estate of the realm.

Poulet, Strafford, Northampton, Fr. Roffen.

Willoughby de Broke, Foley, Anglesea, Nottingham, Abingdon, Aylesford, Osborne, Dartmouth, Montjoy, Fr. Cestriens. Bathurst, Compton, Somerset, Salisbury, Bristol, Mansel, Gower, Bingley, Trevor, P. Hereford, Bruce, Ashburnham, Shrewsbury, Berkshire, Tadcaster, Guilford, Weston.



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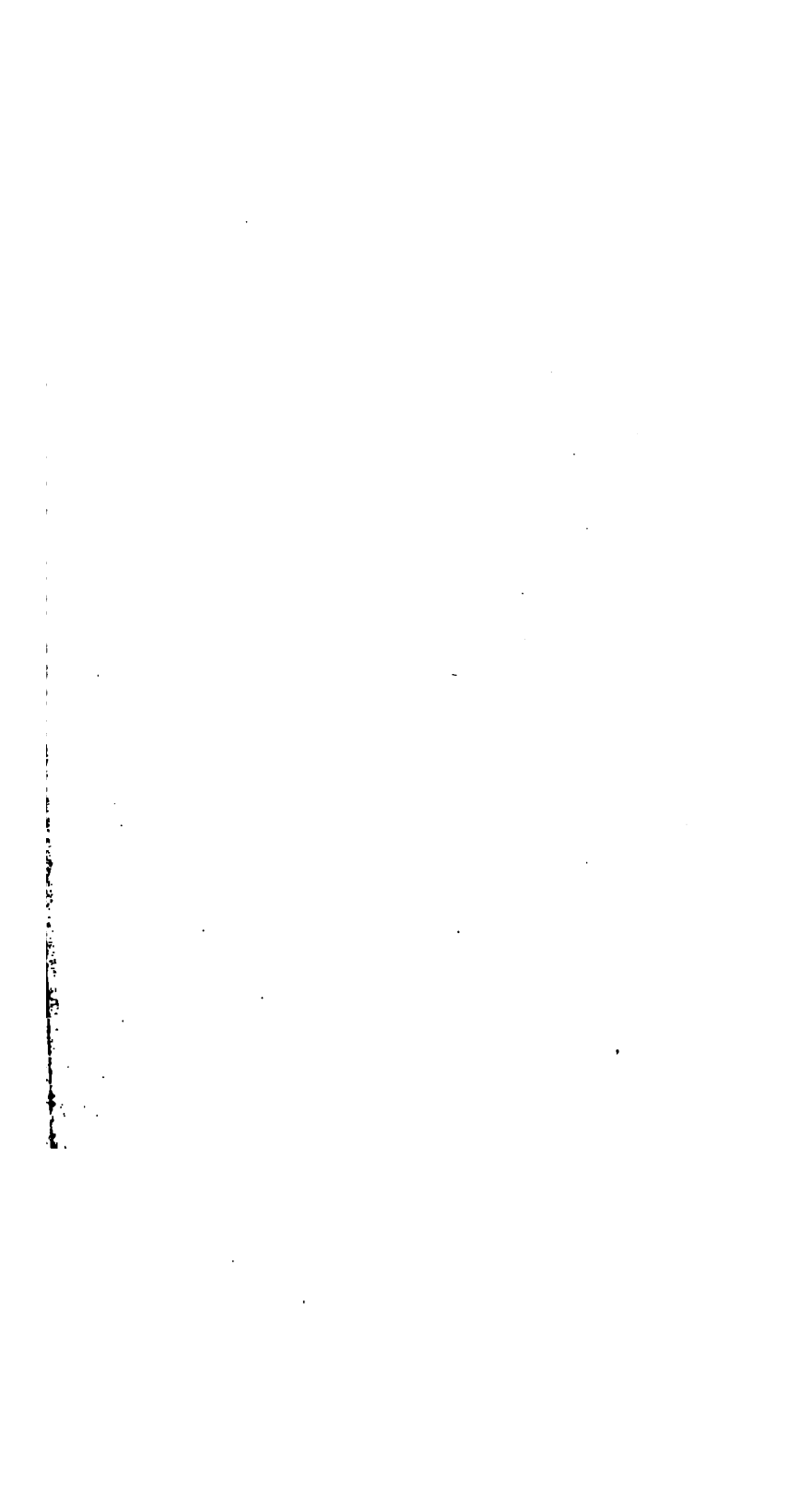
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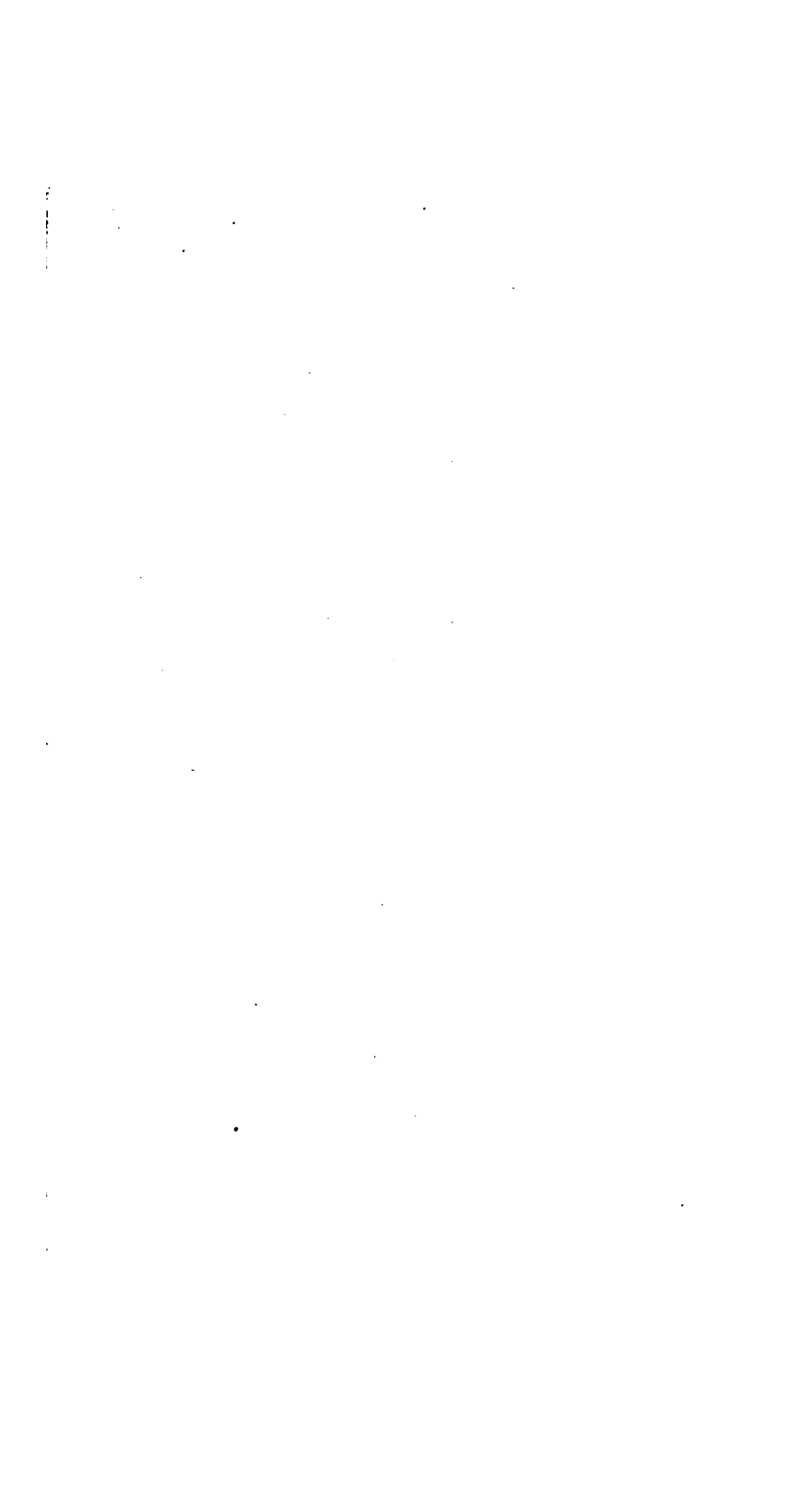
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